

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,       )  
  )  
                  Plaintiff,        )  
  ) Cause No.  
                  vs.                ) 3:23-cr-30076-SPM-1  
  ) East St. Louis, IL  
NIRAV B. PATEL,                    ) February 3, 2025  
  ) 9:02 a.m.  
                  Defendant.        )

Before the  
HONORABLE JUDGE STEPHEN P. MCGYLNN

**TRANSCRIPT OF JURY TRIAL  
VOLUME 1**

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(Proceedings taken by machine shorthand; transcript  
produced by computer-aided transcription)

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1 (In open court.)

2 COURTROOM DEPUTY: Court calls Case  
3 No. 3:23-cr-30076, the *United States of America v.*  
4 *Nirav Patel*. Case is called for day one of jury  
5 trial.

6 Parties, please identify yourselves for  
7 the record.

8 MR. REED: Good morning, Judge. Peter  
9 Reed for the United States along with Steve  
10 Weinhoeft; Paralegal, Sandra Keller, and Agent Kaur  
11 from HSI.

12 THE COURT: Good morning.

13 MS. FRETER: Good morning, Your Honor.  
14 Kim Freter for Mr. Patel, who is present, along  
15 with two interpreters in the Gujarati language.

16 THE COURT: Please swear in the  
17 interpreters.

18 (Interpreters sworn.)

19 COURTROOM DEPUTY: Thank you.

20 THE COURT: All right. It was brought to  
21 the Court's attention that the defendant -- it is  
22 his intent to waive his right to a jury trial and  
23 request a bench trial; is that correct?

24 MS. FRETER: Yes, Judge --

25 THE COURT: No one is interpreting to him.

1 Who is the interpreter?

2 INTERPRETER: (Indicating.)

3 THE COURT: Okay. Go ahead.

4 MS. FRETER: We have two issues for the  
5 Court this morning, Judge. The first one is  
6 Mr. Patel requested that I ask the Government for  
7 consent, Rule 23(a)(2), for a bench trial. The  
8 Government declined. Mr. Patel doesn't agree with  
9 my view of Rule 23(a)(2), along with *Singer v.*  
10 *U.S.*, which is 380 *U.S.* 24 (1965), from the Warren  
11 Court that says, essentially, that Rule 23(a)(2) is  
12 constitutional in that while defendants may have a  
13 right to a jury trial, they don't have a right to  
14 compel the Government to change how it presents its  
15 evidence or case by waiving a jury and having a  
16 bench trial. So that's the first issue.

17 The second issue is that Mr. Patel was  
18 provided court attire by my office --

19 THE COURT: We'll take that up.

20 MS. FRETER: Okay.

21 THE COURT: We'll take that up  
22 separately.

23 MS. FRETER: Okay. Sure.

24 THE COURT: As I read the case law, I  
25 could conclude in the interests of justice that

1 despite the Government's refusal to consent to a  
2 bench trial, that under extraordinary  
3 circumstances, I could order it, or so tell -- the  
4 Government, tell me what is your rationale for  
5 wanting a bench trial -- I mean, a jury trial.

6 MR. REED: Judge, I ran the question up  
7 our management chain as is our typical practice.  
8 My management indicated under the facts of these  
9 circumstances, the Government would not consent to  
10 a bench trial, and we believe that we have the --

11 THE COURT: That doesn't give me a  
12 reason.

13 MR. REED: -- right to present a case to a  
14 jury.

15 THE COURT: That doesn't give me a reason.  
16 That just tells me that someone above you said no.  
17 I want to know what the rationale is for it.

18 MR. REED: Judge, we think the victims in  
19 this case who will be testifying have a right to  
20 put their case in front of a jury as well as the  
21 people in this district.

22 THE COURT: Any response?

23 MS. FRETER: Well, I mean, Mr. Patel would  
24 very much like a bench trial. I do not have any  
25 case law or citation that I can offer the Court to

1 say that *Singer* was wrongly decided. I can make a  
2 general Sixth Amendment argument that it's the  
3 defendant's right to a trial. It's the defendant's  
4 right to a jury trial, that the Government  
5 shouldn't be able to dictate whether he has a jury  
6 or a bench trial, and that *Singer* and Rule 23(a)(2)  
7 are unconstitutional under the Sixth Amendment, but  
8 I don't have any case law that overrules *Singer*.

9 THE COURT: The only thing I found was --  
10 I shouldn't say the only thing, but there was a  
11 case out of the Eastern District of New York during  
12 the time of COVID. It was a high-profile security  
13 fraud case. The defendant wished to waive -- or  
14 waived his right to a jury trial, wanting a bench  
15 trial, and that COVID created some problems.

16 At that time I don't think that they were  
17 hearing -- they weren't impaneling juries. The  
18 Government refused to consent, and the Court  
19 ultimately held that in the interests of justice  
20 that there was extraordinary circumstances that  
21 would justify overruling the Government's  
22 requirement that the Government consent. I haven't  
23 been given much of a rationale.

24 One of the things that we are to look for  
25 is if there is a proper reason for the Government

1 insisting on a jury trial. This is going to be a  
2 very difficult case to present to a jury because of  
3 the defendant's inability to speak English. We  
4 also have a defendant that is insisting on wearing  
5 prison garb instead of civilian clothes which were  
6 presented to him this morning. The Government has  
7 been able to observe the defendant during the  
8 course of pretrial hearings in this case. I think  
9 a combination of his inability to understand the  
10 English language as well as, perhaps, his customs  
11 and cultures from where he is from in India, he's  
12 not followed the rules of decorum for a defendant  
13 in this matter. If he continues with that, that  
14 may adversely impact the way the jury sees this  
15 case.

16 Does the Government want to give any other  
17 reasons why you think that you should not be  
18 required to allow him to proceed with a bench  
19 trial?

20 MR. REED: Judge, I guess I would say  
21 three things. The first, the Government agrees  
22 with the defense counsel's reading of Rule  
23 23(a)(2), that for a bench trial to occur, the  
24 Government must consent. The Government does not  
25 consent here.

1           In addressing the case out of New York  
2     that you raise, I'm familiar with the case. I  
3     believe it's a due process ruling that had to do  
4     with bringing the case to trial in a timely manner.  
5     I don't think that's what's going on here, and so I  
6     just don't think the same principles apply here,  
7     and we can have a jury trial this morning. There's  
8     nothing unconstitutional about Rule 23's  
9     requirements as applied to this situation. We are  
10    ready to go. There is a jury pool downstairs.

11           The second thing I'd say, in terms of the  
12    government's reasons for not consenting, those are  
13    conversations I was not privy to, higher management  
14    team. I can't stand here and tell you what those  
15    conversations sounded like; and I'm not sure that I  
16    would, if I had been privy. How our management  
17    team chooses to make its deliberative choices is  
18    something that is a term of privilege.

19           And third, we certainly weighed the  
20    considerations that the Court brings up. There  
21    have been concerns, but there are multiple people,  
22    there a bunch of parties involved with this trial,  
23    there are victims as well as a defendant, and  
24    those -- all of those considerations have to be  
25    taken together, and for those reasons, we'll stand



1 on our rights under Rule 23(a)(2).

2 THE COURT: All right. The Court does not  
3 find that there's been a sufficient basis to find  
4 there are extraordinary circumstances that would  
5 justify allowing the defendant to proceed to a  
6 bench trial without the consent of the Government.

7 All right. Second thing you need to bring  
8 up is the defendant's insistence on his wearing a  
9 prison jumpsuit to court as opposed to civilian  
10 clothing that you have presented to him.

11 Counsel?

12 MS. FRETER: Yes, Judge. I don't know --  
13 I can consult with Mr. Patel here in a second. He  
14 was very convinced that he would be getting a bench  
15 trial, and so I don't know if that factored into  
16 his calculation regarding his attire. The marshals  
17 have been very accommodating this morning, and they  
18 have his clothes, I believe, up on this floor if he  
19 would like to change so that we wouldn't be unduly  
20 delayed if -- I'll ask him again in just a second,  
21 but if he insists on wearing his jail attire, I  
22 would just ask the Court to make a record, *Duck v.*  
23 *Missouri* -- or *Missouri v. Duck*, which was the  
24 handcuff case, has language in there in terms of  
25 what the jury can see and not see and how that

1 might be prejudicial, and that Mr. Patel is aware  
2 of that and he's waiving that.

3 I'd note for the record that the courtroom  
4 is set up in such a manner so that there is black  
5 privacy panel on the side of the counsel table so  
6 that it's the marshal's process in this courthouse  
7 that defendant remain shackled to the floor.  
8 However, the jury, whether they're in the pews or  
9 in the box, should not be able to see that because  
10 of the privacy panel, but they would be able to see  
11 Mr. Patel's prison attire, which in this case is a  
12 very bright orange-and-white striped outfit.  
13 Mr. Patel has also indicated at different points  
14 that he may intend to testify so that if he was up  
15 on the witness stand, that attire would be even  
16 more visible to the jury.

17 It is against my very strong professional  
18 advice that he remain in jail attire. Just like  
19 with advertising or any other things, there are  
20 subliminal or psychological messages that are sent  
21 to the jury. I use just a very recent example.  
22 I'm a judiciary employee. I knew I was still going  
23 to have telework as an option, but the media kept  
24 saying that all federal employees can't telework.  
25 It caused me to look at the executive order even

1       though I knew the answer. That people are just  
2       susceptible to messaging and visual stimuli such  
3       that jurors may view Mr. Patel as guilty or more  
4       likely to view him as guilty or dangerous if he  
5       appears in jail attire rather than civilian  
6       clothes, and so it's my strong professional  
7       recommendation that he appear in civilian attire.

8               THE COURT: Mr. Patel, you are -- as you  
9       sit here, you're presumed innocent and you're  
10      presumed innocent unless and until the Government  
11      proves to the unanimous satisfaction of the jury  
12      that you are guilty beyond a reasonable doubt. In  
13      courthouses throughout the country in criminal  
14      cases, we allow the accused to dress in civilian  
15      attire. The reason we do that is because if they  
16      see that you are wearing a prison jumpsuit, they  
17      may conclude you're already guilty or that you're  
18      in prison for some other reason, and it is the  
19      considered judgment of judges both at the district  
20      level, the appellate level and the Supreme Court  
21      level, that's very important that the accused be  
22      allowed to dress in civilian clothing unless the  
23      accused does something so obnoxious or so dangerous  
24      that they become a safety risk.

25             You should really consider the advice of

1 your attorney on this one. There's no upside for  
2 you for wearing a prison jumpsuit when you have the  
3 opportunity to wear civilian clothing.

4 All right. He has his hand up. Counsel,  
5 you can talk to him.

6 Who -- let him talk.

7 THE DEFENDANT: Can I say something?

8 THE COURT: Yes.

9 THE DEFENDANT: The attire does not  
10 identify a particular position, and I apologize for  
11 that. The mind and the body do.

12 THE COURT: Okay.

13 THE DEFENDANT: Then the clothes have no  
14 value. I am by mind, body and soul totally  
15 clear.

16 THE COURT: You are, but that's -- our  
17 concern is how jurors who know nothing about this  
18 case, who know nothing about you, when they first  
19 walk in and see you, their first impression is  
20 you're a prisoner, and it invites them to see you  
21 as a convict and invites them to speculate as to  
22 why you're here in a prison uniform, and I think  
23 that it would be very prejudicial to you and your  
24 case if you decide to wear a prison uniform.

25 The jury will be instructed to disregard

1 it, but I think that you would be prejudicing your  
2 own interests in insisting to continue to wear the  
3 jumpsuit during the trial, but I'll allow you to  
4 take it up with your attorney at a break, and you  
5 can make that determination. You've been warned.

6 THE DEFENDANT: Can I say something? I  
7 want a bench trial, not a jury trial.

8 THE COURT: I understand, completely  
9 understand, but under the federal rules, the  
10 Government has to agree that it will submit its  
11 case to the Judge only and not to a jury, and they  
12 don't consent to that, and so we are proceeding to  
13 a jury trial. Okay.

14 With jury selection -- have a seat,  
15 please -- with jury selection, I will -- please sit  
16 down, Mr. Patel.

17 THE DEFENDANT: I have an objection  
18 because just as the jury is not my jury, my  
19 attorney is not mine either. I don't trust.

20 THE COURT: Jury selection, I intend to  
21 inquire of prospective jurors about the fact that  
22 some of the victims -- some of the alleged victims  
23 are elderly, and I will ask about if any of them  
24 have experienced or loved one experienced being  
25 exploited or scammed because of their age.

1           Anyone have an objection to that line of  
2 questioning?

3           MS. FRETER: No, Your Honor.

4           MR. REED: No, Judge.

5           THE COURT: All right. Mr. Patel, you  
6 said that the lawyer is not yours and that the jury  
7 is not yours. Counsel has been appointed and has  
8 been representing you. We've had multiple  
9 conversations. As I explained to you previously,  
10 if you wish to hire at your own expense a lawyer,  
11 you can choose who you want. The Court has watched  
12 very keenly the interaction with -- between you and  
13 your lawyer and on multiple occasions have  
14 discussed with you your concerns. The biggest  
15 problem seems to be that you want the Government to  
16 make an offer that they are not willing to offer,  
17 and you're frustrated with your attorney that the  
18 Government will not make that offer. Specifically,  
19 on multiple occasions, you have claimed that you  
20 are innocent, and you'd be willing to -- what's --  
21 let's seal this part of the transcript.

22           (Proceedings heard under seal.)

23           (Proceedings continued in open court.)

24           THE COURT: Is the Government ready to  
25 proceed to trial?

1 THE DEFENDANT: No, I don't need any  
2 attorney. Whatever decision you render will be  
3 acceptable to me, and I respect law enforcement  
4 from the bottom of my heart.

5 THE COURT: Thank you, sir.

6 Is the Government ready to proceed to  
7 trial?

8 MR. REED: Yes, Judge.

9 THE COURT: Is the defense ready to  
10 proceed to trial?

11 MS. FRETER: Yes, Your Honor.

12 THE COURT: Okay. Am I ready to proceed  
13 to trial? Call it in the air.

14 All right. Anything we need to take up  
15 before we bring up the potential jurors?

16 MR. REED: Judge, there's one outstanding  
17 objection on the video deposition transcript. We  
18 can take that up now or --

19 THE COURT: Yes, let's take it up now.

20 MR. REED: Judge, the objection from  
21 Ms. Freter was in response to a series of questions  
22 where the Government asked a witness, "Did you hear  
23 any officer tell Mr. Patel that there was money in  
24 the box?" And the witness, Sergeant Towell,  
25 responded, "Not to my knowledge." Ms. Freter's

1 objection was that the question and answer called  
2 for hearsay.

3 As previously communicated to the Court,  
4 the Government's position that the answer, "Not to  
5 my knowledge," confirming that no officer made such  
6 a statement, contains no hearsay, first, because  
7 hearsay requires a statement, and the whole point  
8 was that there was no statement; and second,  
9 because even if the nonstatement could be construed  
10 as a statement, it's not being admitted for the  
11 truth of the matter asserted under 801(c)(2).

12 The Government is not seeking to prove  
13 that there was money in the box, will establish  
14 that of course there was, but we're trying to show  
15 that no officer conveyed that information to Patel,  
16 and so his later statements about the money in the  
17 box show his independent knowledge.

18 MS. FRETTER: Your Honor, the Government is  
19 trying to demonstrate -- and it will in other  
20 ways -- that Mr. Patel was aware of the contents of  
21 the box, and so the evidence is being offered for  
22 the idea or for the statement that no one told him  
23 this, and so they'll later say he was aware, he had  
24 knowledge of the offense because no one at the  
25 arrest scene told him, and so the silence, or the



1 nonstatement, the lack thereof, is in itself a  
2 statement.

3 THE COURT: Objection sustained.

4 All right. What else do we need to take  
5 up?

6 MR. WEINHOEFT: Your exhibit list  
7 objection.

8 MS. FRETER: Why don't we do that later.  
9 I mean, we don't -- Judge, there's a -- the JERS,  
10 which is an Excel sheet that goes back to the jury,  
11 has descriptions on the exhibits. So like for  
12 Exhibit 3, there is a description of it so they can  
13 find it because they may not know what they're  
14 looking for.

15 THE COURT: Are the descriptions neutral  
16 or are they loaded?

17 MS. FRETER: In my opinion some of them  
18 are not neutral. I have marked it up. I've sent  
19 it to the Government. They disagree. However,  
20 this is something that's on the back end. I don't  
21 know -- I mean, we can take it up now, but I don't  
22 know that we need to take it up now. We can, you  
23 know, deal with it closer to time when they'll  
24 actually see it. They don't actually see that  
25 sheet until --

1 THE COURT: So your objection is not to  
2 the admissibility of the evidence. It is the  
3 descriptive language that would be on the list that  
4 goes back with them when they deliberate?

5 MS. FRETER: Yes, Your Honor.

6 THE COURT: We can take that up at a later  
7 time.

8 All right. Are you -- do you intend to  
9 show the jury any exhibits during the -- your  
10 opening statement?

11 MR. REED: Judge, no exhibits. There is  
12 one map that we'll show the jury during opening.  
13 Ms. Freter has no objection. We'll take that up at  
14 lunch.

15 THE COURT: And you have no objection?

16 MS. FRETER: No objection.

17 THE COURT: All right. Have we been given  
18 the list of prospective jurors and the binders?  
19 They're being distributed right now?

20 COURTROOM DEPUTY: Yes.

21 THE COURT: Okay.

22 All right. Mr. Patel, we are -- all  
23 right. Mr. Patel, we are about to start trial in  
24 this case, and it's very important that you  
25 understand your rights and your responsibilities in

1 this case. This is your case and your defense  
2 against the charges brought by the Government.  
3 It's very important that you have good  
4 communications with your attorney about how to  
5 proceed to trial. Some decisions pertaining to  
6 what the United States Supreme Court calls your  
7 fundamental rights are yours and yours alone to  
8 make. Your attorney can give you advice on what  
9 decisions you should make as to these fundamental  
10 rights, but in the end, it is up to you to have the  
11 final say.

12 For example, it is your decision whether  
13 to plead guilty or not guilty, whether to testify  
14 or not to testify, and whether to submit what is  
15 called lesser included offense instructions. A  
16 lesser included offense would be to give the jury  
17 instruction -- or instruction to the jury that they  
18 could find you guilty of a lesser charge, and I  
19 don't know if that's applicable in this case or  
20 not, but if we get to that point, we will address  
21 that with you.

22 I cannot and will not express any opinions  
23 on what decisions you should make with respect to  
24 these fundamental rights; however, from time to  
25 time a judge will speak to a defendant directly to

1 make sure the record is clear that the defendant  
2 understands his rights and that the defendant is  
3 making decisions with respect to those rights in a  
4 knowing and voluntary manner. I do urge you to  
5 speak to your attorney about the decisions that you  
6 make.

7 Has there been any plea offer that has  
8 been made that has not been extended to the  
9 defense -- the defendant?

10 MR. REED: No, Judge.

11 MS. FRETER: No, Your Honor. As the Court  
12 has noted, we were here two times previously for  
13 Mr. Patel to plead guilty pursuant to a written  
14 plea agreement wherein the Government would  
15 recommend a guideline sentence, however, left open  
16 the possibility that should circumstances happen --  
17 rather than we seal this portion of the  
18 transcript -- if Mr. Patel cooperated, that they  
19 would consider either a 5K or Rule 35, and that  
20 he's been conveyed those offers.

21 THE COURT: All right. Mr. Patel, other  
22 decisions such as decisions regarding tactics or  
23 strategy pertaining to your defense belong to your  
24 attorney. For example, the attorney decides what  
25 witnesses to call, whether and how to conduct

1 cross-examination, what jurors to accept or strike,  
2 what trial motions should be made, and what  
3 evidence should be presented. Even though your  
4 attorney has the final say with respect to matters  
5 of tactics and strategy, I urge you to speak to  
6 your attorney about these decisions as well. You  
7 should tell your attorney if you know of any  
8 witnesses who you believe may have any information  
9 helpful to your case. You should be candid with  
10 your attorney in your discussions about all the  
11 facts of the case and the tactics and strategy your  
12 attorney believes are appropriate or inappropriate.

13 You should ask questions about things you  
14 do not understand. It's important that you have  
15 good communication with your attorney about your  
16 case and your defense and the charges brought  
17 against you.

18 If you want me to, I will adjourn this  
19 case for now and -- to allow you to make  
20 arrangements to speak with your attorney about  
21 everything I've told you today. I am going to give  
22 you guys 20 minutes to look through the jury data,  
23 but I'm also going to give counsel the opportunity  
24 to discuss with Mr. Patel the -- whether he should  
25 appear before this jury in civilian clothings or

1 continue just wearing his prison garb.

2 So I'm going to -- how long do you think  
3 that's going to take, Kim?

4 MS. FRETER: Just five minutes to speak  
5 with him.

6 THE COURT: All right. So we will -- I'll  
7 give you 20 minutes to look at the jury data, an  
8 additional 5 minutes to confer with your client.  
9 So we'll come back on the record at 5 minutes after  
10 10 with the intent of bringing the jury up at that  
11 time.

12 Anything else before we adjourn -- or  
13 recess, I should say?

14 MR. REED: No, thank you.

15 MS. FRETER: No, Your Honor.

16 THE COURT: We'll be in recess for 25  
17 minutes.

18 (Recess at 9:43 a.m. until 10:07 a.m.)

19 THE COURT: Are you ready for us to bring  
20 the jury up?

21 Government?

22 MR. REED: Yes, Judge.

23 THE COURT: Are you ready to bring the  
24 jury up?

25 MS. FRETER: Yes, Your Honor.

1 THE COURT: All right. Let's bring the  
2 jurors up.

3 MS. FRETER: Your Honor, while we're here,  
4 I would like the record to reflect that Mr. Patel  
5 did change.

6 THE COURT: All right.

7 Okay. No one has given me a list of  
8 witnesses, so you're going to have to ask -- okay.  
9 I have a Government list.

10 Does the defendant have a list of  
11 witnesses it intends to call?

12 MS. FRETER: No, Your Honor, only possibly  
13 Mr. Patel.

14 THE COURT: All right. For the  
15 Government, Witness Number 1, Detective Kody  
16 Martin. Is that someone local or where is he?

17 MR. REED: He's Indiana based, Judge.

18 THE COURT: How about Detective Donald  
19 Seubert?

20 MR. REED: Edwardsville.

21 THE COURT: Who of the other witnesses  
22 that you have are local? Danny Allison?

23 MR. REED: Danny Allison, Judge,  
24 Caseyville.

25 THE COURT: How about Anar Bhatt?

1 MR. REED: Not local. The only other  
2 locals would be Virginia Bryan and Elizabeth  
3 Surmeier.

4 THE COURT: All right. So Virginia Bryan  
5 is from where?

6 MR. REED: Virginia Bryan is from  
7 Edwardsville.

8 THE COURT: Okay. Elizabeth Surmeier?

9 MR. REED: I'm not sure. She's Southern  
10 Illinois, St. Clair County.

11 THE COURT: Okay. All right. Thank you.

12 COURTROOM DEPUTY: All rise for the jury.

13 (Venire present at 10:13 a.m.)

14 (Voir dire proceedings heard and filed  
15 under seal.)

16 (Proceedings heard in open court at  
17 1:45 p.m.)

18 THE COURT: All right. Will you swear in  
19 the jurors?

20 COURTROOM DEPUTY: Please raise your right  
21 hand.

22 (Jury sworn.)

23 THE COURT: All right. Ladies and  
24 gentlemen of the jury, we are about to begin the  
25 trial of this case about which you've heard some



1 details during the process of jury selection.

2 Before the trial begins, however, there are certain  
3 instructions you have in order to better understand  
4 what will be presented before you and how you  
5 should conduct yourself during the trial.

6 The party that has brought this case, the  
7 United States Government. The party against whom  
8 this case has been brought is the Defendant, Nirav  
9 Patel. The charges against Mr. Patel are in a  
10 document called an indictment. The indictment in  
11 this case charges that Mr. Patel committed the  
12 crime of one count of conspiracy to commit wire  
13 fraud in violation of federal law and three counts  
14 of wire fraud in violation of federal law and one  
15 count of illegal entry in violation of federal law.  
16 Mr. Patel has pled not guilty to the charges.

17 The indictment is simply the formal way of  
18 telling Defendant Patel what crimes he is accused  
19 of committing. It is not evidence that the --  
20 Defendant Patel is guilty. In fact, it does not  
21 even raise a suspicion of guilt.

22 Mr. Patel is presumed innocent of these  
23 charges. This presumption continues throughout the  
24 case including during your deliberations. It is  
25 not overcome unless, from all the evidence in the

1 case, you are convinced beyond a reasonable doubt  
2 that Mr. Patel is guilty as charged. The  
3 Government has the burden of proving Mr. Patel's  
4 guilt beyond a reasonable doubt. This burden of  
5 proof stays with the Government throughout the  
6 case.

7 By your verdict, you will decide disputed  
8 issues of fact. I will decide all questions of law  
9 that arise during the trial; and before you retire  
10 to deliberate at the close of this case, I will  
11 instruct you on the law, and you must follow and  
12 apply that in deciding upon your verdict. Because  
13 you'll be called upon to decide the facts of this  
14 case, you should give careful attention to the  
15 testimony and evidence presented for your  
16 consideration bearing in mind that I will instruct  
17 you at the end of the trial concerning the manner  
18 in which you should determine the credibility or  
19 believability of each witness and the weight to  
20 give -- or the weight to be given to his or her  
21 testimony.

22 During the trial, however, you should keep  
23 an open mind and should not form or express any  
24 opinion about the case one way or the other until  
25 you have heard all of the testimony and evidence,

1 the closing arguments of the parties and my  
2 instructions to you on the applicable law.

3 I had a bench trial once where I was the  
4 decider of both questions of law and fact, and I  
5 thought the case was going to go one direction. It  
6 was a several-day trial, and it wasn't until the  
7 answer to the last question asked of the last  
8 witness that turned the outcome of that case. So  
9 that's why it's important, that, you know, it's --  
10 it's like a good movie, a mystery thing. There is  
11 plot twists and turns, and so you have to keep an  
12 open mind until you hear all the evidence.

13 While the trial is in progress, you must  
14 not discuss the case in any manner among yourselves  
15 or with anyone else nor should you permit anyone to  
16 discuss it in your presence. During the trial, I  
17 may be called upon to make rulings on law, on  
18 objections or motions made by the lawyers. It is  
19 the duty of the attorneys on each side of the case  
20 to object when the other side offers testimony or  
21 other evidence that the attorney believes is not  
22 properly admissible.

23 You should not show prejudice against an  
24 attorney or his or her client because the attorney  
25 has made objections. You should not infer or

1 conclude from any ruling or other comment I may  
2 make that I have any opinion as to the merits of  
3 the case favoring one side or the other; and if I  
4 sustain an objection to a question that goes  
5 unanswered by the witness, you should not draw any  
6 inference or conclusions from the question itself.

7 During the trial I may confer with lawyers  
8 out of your hearing with regard to questions of law  
9 or procedure that require consideration by the  
10 Court alone. On some occasions, you'll be excused  
11 from the courtroom for the same reason. I'll try  
12 to limit those interruptions, but you should  
13 remember the importance of the matter that you're  
14 here on and to determine and should be patient even  
15 though the case may seem to go slowly.

16 This case will proceed in the following  
17 order: First, the Government may make an opening  
18 statement outlining its case. Mr. Patel may also  
19 make an opening statement, or he may defer the  
20 making of his opening statement until the  
21 conclusion of the Government's case. Neither of  
22 the parties is required to make an opening  
23 statement. What is said in opening statement is  
24 not evidence. It is simply designed to provide you  
25 with an introduction as to the evidence that the

1 party making the statement intends to produce.

2 Second, the Government will introduce  
3 evidence in support of its case. At the conclusion  
4 of the Government's case, Mr. Patel may introduce  
5 evidence. Mr. Patel, however, is not obliged to  
6 introduce any evidence or call any witnesses. If  
7 Mr. Patel introduces evidence, the Government may  
8 then introduce what is known as rebuttal evidence.

9 Third, I will instruct you on the law you  
10 are to apply in reaching your verdict.

11 Fourth, the parties may present closing  
12 arguments to you as to what they consider the  
13 evidence has shown and as the inferences -- and as  
14 to the inferences they contend that you should draw  
15 from the evidence. What is said in closing  
16 argument, just as what is said in opening  
17 statement, is not evidence. The arguments are  
18 designed to present to you the contentions of the  
19 parties based on the evidence introduced. The  
20 Government has the right to open and to close the  
21 argument.

22 The evidence in this case will consist of  
23 sworn testimony of witnesses regardless of who may  
24 have called them, and all exhibits received in  
25 evidence regardless of who may have produced them

1 and all facts which may have been judicially  
2 noticed and which I instructed you to take as true  
3 for purposes of this case.

4 Statements and arguments of counsel are  
5 not evidence in the case. Any evidence as to which  
6 an objection is sustained by the Court and any  
7 evidence ordered stricken by the Court must be  
8 entirely disregarded.

9 Anything you may have seen or heard  
10 outside of the courtroom is not evidence and must  
11 be entirely disregarded. You are to consider only  
12 the evidence in the case; but in your consideration  
13 of the evidence, you are not limited to the bald  
14 statements of witnesses. In other words, you are  
15 not limited solely to what you see and hear as the  
16 witness testified. You are permitted to draw from  
17 the facts which you find have been proven such  
18 reasonable inferences as you feel are justified in  
19 light of your experience.

20 At the end of the trial, you will have to  
21 make your decision based on what you recall of the  
22 evidence. You will not have a written transcript  
23 to consult, and it is difficult and time consuming  
24 for the reporter to read back lengthy testimony, so  
25 I urge you to pay close attention to the testimony

1 as its given.

2 After the evidence has been heard and  
3 arguments and instructions are concluded, you will  
4 retire to consider your verdict. You will  
5 determine the facts from all the testimony that you  
6 have heard and the other evidence that is  
7 submitted. You are the sole and exclusive judges  
8 of the facts; and in that field, neither I nor  
9 anyone else may invade your province. On the other  
10 hand, and with equal emphasis, I instruct you that  
11 you are bound to accept the rules of law I give you  
12 whether you agree with them or not.

13 The law of the United States permits the  
14 Judge to comment on the evidence in the case during  
15 the trial or instructing the jury. Such comments  
16 are only expressions of the Judge's opinion of the  
17 facts, and the jury may disregard them entirely  
18 because the jurors are the sole judges of the  
19 facts.

20 During the trial, I will permit you to  
21 take notes; but a word of caution, there is always  
22 a tendency to attach undue importance to matters  
23 one has written down. Some testimony considered  
24 unimportant at the time presented, thus not written  
25 down, takes on a greater importance later in the

1 trial in light of all the evidence presented. So  
2 keep in mind that your notes are only a tool to aid  
3 your own individual memory. You should not compare  
4 your notes with other jurors in determining the  
5 content of anyone's testimony or in evaluating the  
6 importance of any evidence. Your notes are not  
7 evidence and by no means a complete outline of the  
8 proceedings or a list of the highlights of the  
9 trial. Above all your memory is your greatest  
10 asset when it comes time to deliberate and render a  
11 decision in this case.

12 Counsel, opening statement.

13 MR. REED: Vonda Lutz had worked as a  
14 nurse for 40-some years. After a lifetime of work,  
15 she was finally ready to enjoy retirement. Vonda  
16 and her husband bought a home in Arizona away from  
17 the daily grind, a chance to enjoy what they had  
18 worked so hard for, and tragically her husband fell  
19 ill in early 2022, and that summer he passed away.

20 About the time Vonda's spouse fell ill in  
21 early 2022, the Defendant, Nirav Patel, snuck  
22 across the border from Vancouver into Washington  
23 after traveling from India to Canada. From there,  
24 he bounced around. He stayed in Georgia for a  
25 while where he had a cousin named Danny and other



1 relatives. He stayed in Tennessee. He landed in  
2 the Chicago area in late summer of 2022.

3 About the time Patel landed in Chicago,  
4 Vonda sold everything, put her life savings in the  
5 bank and moved to Franklin, Indiana, outside  
6 Indianapolis, to be closer to her daughter. It was  
7 the sensible thing to do. Grieving and unsure of  
8 her long-term plans, Vonda moved into an elder care  
9 facility called Christina Place in September of  
10 2022. That's when a new nightmare began.

11 The next month she was contacted by a  
12 scammer who claimed to be a government agent. He  
13 had bad news. Her personal financial information  
14 had been compromised he said. Vonda needed to get  
15 all of her money out of the bank and put somewhere  
16 safe. The scammer could help. She just had to  
17 send the money to him. Grieving and scared, Vonda,  
18 unfortunately, fell for the scam.

19 She sent money out by UPS. She kept the  
20 whole thing secret, didn't tell a soul, just as  
21 they had told her to do; but they told her it  
22 wasn't enough. She had to move big money. So they  
23 convinced her to buy \$188,000 in gold bars from a  
24 company in Oklahoma. She put those gold bars in a  
25 shoebox and packaged it up. The scammer said he

1 would send someone to pick them up in the morning.  
2 It was the day before Thanksgiving. Why wait until  
3 the next day? Because the Defendant, Nirav Patel,  
4 was busy somewhere else. That same day, November  
5 23rd, Nirav Patel had driven from his home near  
6 Chicago all the way up to Merrill, Wisconsin.  
7 There should be a map on your screen showing you  
8 where it is. It's about 280 miles.

9 THE COURT: What Exhibit Number is it?

10 MR. REED: It's just a demonstrative,  
11 Judge.

12 It's about 280 miles north of Chicago. In  
13 Merrill, Nirav Patel pulled up after dark near the  
14 house of a 68-year-old-woman named Karen Endres.  
15 Endres was herself emotionally vulnerable because  
16 she herself had just been through a difficult  
17 divorce. Like Vonda, Karen was also contacted by  
18 phone and told a story by a purported federal agent  
19 about how her bank accounts had been compromised.  
20 She ultimately fell for the same scam, and she was  
21 tricked into withdrawing large sums of money from  
22 her bank. So that night the scammer directed her  
23 to walk across the snow and ice after dark and put  
24 a taped shoebox containing \$29,000 in cash in the  
25 back of a car parked on the street. It was in the

1 back of Nirav Patel's car.

2 Patel turned around, drove all the way  
3 back to Chicago, but his work wasn't done. Another  
4 assignment came in around 2:30 a.m. This time he  
5 needed to drive 230 miles southeast to Franklin,  
6 Indiana, to visit Christina Place and Vonda Lutz.

7 With each assignment, Mr. Patel followed  
8 the same set pattern. He would take screenshots of  
9 his map program as he went showing his estimated  
10 arrival time; and when he got there, he would take  
11 a picture showing he'd arrived. Afterwards he'd  
12 take a video of the box that was now in his  
13 possession.

14 So it was that Thanksgiving morning Vonda  
15 walked out the front door of Christina Place with a  
16 taped box containing \$188,000 in gold bars. At age  
17 77, Vonda was in rough physical shape. She had  
18 trouble walking very far. She was on oxygen. She  
19 was using a walker. So it took her a while to walk  
20 down the sidewalk to the waiting vehicle. When she  
21 finally got there, the driver said nothing. Just  
22 rolled the back window down. Vonda placed the box  
23 in the back seat of the defendant's car and  
24 tottered back inside.

25 With \$188,000 in gold from Vonda and

1       \$29,000 in cash from Karen, Nirav Patel was on the  
2       road again by 9 a.m.; but his work still was not  
3       done. He made two more stops in the course of the  
4       day dropping off portions of the trip's haul before  
5       returning home. Back home, Nirav Patel  
6       meticulously deleted from his phone many of the  
7       photos and videos that might connect him to  
8       Merrill, Wisconsin, or Franklin, Indiana.

9               A week later on December 1st, Mr. Patel  
10       was at it again. Leaving about 5 a.m., he again  
11       drove to Christina Place, arriving early that  
12       morning. The whole scene repeated itself. He took  
13       screenshots of his map program showing his expected  
14       time of arrival. He took a picture of the building  
15       once he had parked near the end of the parking lot.  
16       77-year-old Vonda Lutz, still on oxygen, slowly  
17       walked down the sidewalk, taped package in hand, to  
18       where Patel was waiting in his vehicle. When she  
19       reached the car, Patel, again, couldn't bring  
20       himself to acknowledge the old woman outside his  
21       car window.

22               MS. FRETER: Objection. This is  
23       argumentative.

24               THE COURT: Overruled.

25               MR. REED: Vonda again put the box in the

1 back seat and faltered back inside Christina Place.  
2 Then Mr. Patel turned around and went home,  
3 stopping to take a video of the box along the way.

4 It's at this point we start getting more  
5 of the picture. Why does Patel take a picture -- a  
6 video of the package? Who was he communicating  
7 with? Well, he's sending those videos to his  
8 cousin Danny, the one in Atlanta where Patel lived  
9 before coming to Chicago.

10 The next day, December 2nd, Patel gets a  
11 message in the middle of the night from a number in  
12 India, contact is listed in Patel's phone simply as  
13 KKT, the letters, K-K-T. KKT is telling Patel  
14 about another pickup. Patel's next destination is  
15 forwarded later that morning. He is being sent  
16 back to Merrill, Wisconsin, to take more money from  
17 Karen Endres. Patel hops in the car; and on his  
18 way, he is in regular communication with KKT and  
19 with his cousin Danny sending him screenshots of  
20 his estimated arrival time as he goes.

21 Something is off this time though. KKT  
22 urges Patel to drive fast and hurry up. The drop  
23 might fall through. Patel is on the phone with KKT  
24 as he pulls onto Karen Endres' street, and he pulls  
25 to the curb, and that's when he saw them flashing

1 lights in his rearview mirror as a police car pulls  
2 in behind him. Patel starts pulling away but an  
3 SUV comes down the street and blocks him in. An  
4 officer approaches his window and tells him to get  
5 out of the car. They take him to the back of the  
6 vehicle, he is told to put his hands on the trunk,  
7 and he's checked for weapons.

8 It turns out Karen had gone to the police,  
9 and the police had set up a sting to grab whoever  
10 came to take Karen's money. Now, this was the  
11 chance for Patel to come clean and denounce the  
12 people he'd been working for, but that's not what  
13 he did. Officers asked him what he was doing in  
14 Merrill, and he tried to talk his way out.

15 Officers seized Patel's phone and when KKT kept  
16 calling and they asked Patel who KKT was, Patel  
17 refused to identify him; instead, falsely insisting  
18 that he had only just started speaking with KKT.

19 Officers allowed Patel to drive home to  
20 Chicago that night while they checked out his story  
21 and the investigation continued. It appeared Patel  
22 may have laid low for a while; but by March 2023,  
23 Patel and Danny are back in touch and back at work  
24 together.

25 So on April 10 of 2023, Nirav Patel drove

1 240 miles south to Edwardsville, Illinois, pulling  
2 up after dark outside the house of a new victim, an  
3 85-year-old woman named Virginia Bryan. Virginia  
4 was a retired SIUE professor, taught chemistry for  
5 a long time. She'd recently lost her spouse during  
6 COVID, settled his estate, and so she had an  
7 unusually large amount of cash in the bank.  
8 Virginia, too, was contacted by somebody pretending  
9 to be a federal officer. She, too, was told she  
10 needed to hand over her money because her identity  
11 had been stolen. She had initially been convinced  
12 to deposit some money through a Bitcoin ATM, and  
13 now that fake federal agent had sent someone  
14 directly to her house for even more.

15 So Patel made the four-hour trip south and  
16 parked on the street. Virginia walks down to his  
17 vehicle and placed a taped box with \$51,900 cash in  
18 the car through an open window. Patel drove home,  
19 stopping at a gas station outside of Edwardsville  
20 to fill up and take a video of the box. Throughout  
21 the day, he followed the same pattern he did  
22 before. First taking a screenshot showing how far  
23 it would take to get to Edwardsville, then  
24 screenshots of his estimated arrival time, and then  
25 a video showing he had the victim's money in that

1 package.

2 But these scammers weren't done with  
3 Virginia. Ten days later, April 20, 2023, Patel  
4 again drove the 240 miles south to Edwardsville.  
5 He, again, parked on the street outside of  
6 Virginia's house. Virginia, again, walked slowly  
7 down to the street and put a taped box containing  
8 cash in the back of Patel's car through an open  
9 window; but as Patel starts pulling away, the  
10 police showed up, carrying Virginia to safety and  
11 placing Patel under arrest.

12 It turns out Virginia, too, had realized  
13 she'd been scammed and gone to the police just like  
14 Karen had done in Wisconsin. The *deja vu* hit Patel  
15 hard. He urinated himself upon arrest by apparent  
16 fear and anxiety. Placed in the back seat of a  
17 police cruiser, though, Patel tried the same tricks  
18 he tried in Wisconsin. "This is my first time  
19 doing this," he claims over and over. "I had no  
20 idea." Nonsense, because the evidence will show  
21 this is far from Mr. Patel's first time doing this,  
22 telling them exactly why he was there.

23 So a couple months later, Patel is charged  
24 in this case. Because of the defendant's actions,  
25 he'd been charged with five crimes. One count of



1 conspiracy to commit wire and mail fraud, three  
2 counts of wire fraud, and one count of illegal  
3 entry into the U.S. The Judge will instruct you on  
4 the law, but here are a few basics so you can  
5 listen for it as the -- to the evidence as it comes  
6 in.

7 So the law of conspiracy means that if  
8 people commit a crime together that they are  
9 responsible for each other's actions. The charge  
10 here is that Mr. Patel expressly or impliedly  
11 agreed to do something illegal. Doesn't have to  
12 understand what specific laws he broke or the full  
13 scope of --

14 MS. FRETER: Your Honor, I'm going to  
15 object in terms of this is a rephrasing of the  
16 instructions that the jury hasn't been given yet  
17 and is inappropriate for opening statement.

18 THE COURT: Sustained.

19 MR. REED: So the other counts, Counts 2  
20 through 4, are substantive wire fraud. The first  
21 is conspiracy, 2 through 4 are wire fraud, and the  
22 fifth is the immigration charge, and you'll hear  
23 from the Judge the elements of those crimes, and  
24 you can listen to them carefully as conspiracy is  
25 defined and what that terminology means. Listen to

1 it as you think about the evidence and as you  
2 decide this case.

3 So let me finish telling you what  
4 happened. After he was charged, Patel was arrested  
5 and federal officials purposefully assigned an  
6 agent who was born in India and who shared a native  
7 language and cultural understanding with this  
8 defendant, Agent Kaur sitting at the table with us.  
9 You'll hear her interview with the defendant  
10 conducted largely in Hindi, and you will see a  
11 translation as well. As you listen to that, you'll  
12 hear Patel spin more lies. Sometimes it's hard to  
13 follow.

14 He says he drove down to Madison County to  
15 do some work on a woman's house, but the problem  
16 with that story, of course, as agents point out, he  
17 never got out of the car. He says he didn't know  
18 the names of the people who told him to drive down  
19 and pick up that money. Later he'll admit he's  
20 working with his cousin Danny in Atlanta who knows  
21 everything, an individual named Abhishek that Patel  
22 knew back in India and a person he believed was  
23 named Bharat.

24 Patel initially claims in that interview  
25 that he did not open any of the packages, then he

1 admitted he did open the packages to count the  
2 money and pass it on, and finally, he admits he  
3 took money from at least one of the victims'  
4 packages.

5 So at the end of trial, the Court will  
6 instruct you to determine whether Patel acted  
7 knowingly. So as you listen to that interview,  
8 you'll hear Patel repeatedly change his story; but  
9 as he goes, he finally admits a few things. He  
10 admits he made pickups in Indiana and Wisconsin and  
11 Edwardsville, and you'll hear him say these things  
12 too. "I regret what I have done." "I did wrong."  
13 And Patel knew the truth. "I felt that these  
14 people were doing something wrong."

15 If you consider all the evidence using  
16 your common sense, there will be no reasonable  
17 doubt that Nirav Patel entered the country  
18 illegally and participated in each of these crimes  
19 as charged, and we are confident that you will do  
20 the right thing and find the defendant guilty of  
21 all counts. Thank you.

22 THE COURT: Do you wish to make argument?

23 MS. FRETER: Yes, Your Honor.

24 THE COURT: All right.

25 MS. FRETER: The evidence in this case

1 will show that Nirav Patel, Mr. Patel, when he was  
2 in the United States, worked many different kinds  
3 of jobs. He worked for different people, for  
4 different employers, he worked doing a variety of  
5 things in order to make money. One of the things  
6 that he was tasked with doing was driving to pick  
7 up packages, like any other courier, like someone  
8 who is doing Uber Eats or any kind of, sort of,  
9 self-delivery service; but along the way, just like  
10 when Amazon, or whoever leaves a package at your  
11 house, they take a picture of it, and that  
12 Mr. Patel was reporting to other people where he  
13 was going, what he was doing, when he was arriving,  
14 at their direction. In this case Mr. Patel is  
15 serving as a courier to drive to some place, pick  
16 something up, return it to another place; and the  
17 evidence in this case through his phone and other  
18 statements and testimony will be that that is the  
19 case, and it will be consistent with that. The  
20 evidence in this case will show that as Mr. Patel  
21 is picking up packages and driving them back or  
22 delivering them to places that he's not the person  
23 in charge of the circumstances.

24 In Illinois the police became involved and  
25 set up, sort of, a sting-type situation, and

1 there's recordings of that, and you can observe  
2 what happened. The evidence will be that the  
3 police, in conjunction here, put together or helped  
4 to put together the money that was going to go into  
5 the shoebox. They watched it, there's a dash cam  
6 of it, and so you'll be able to see the, sort of,  
7 circumstances as those things unfold and that the  
8 evidence will be that it's clear that the person  
9 who's on the phone communicating is not Mr. Patel.  
10 The evidence will show that the person that's  
11 giving directions and who's in charge of that,  
12 person or persons, is not Mr. Patel and that  
13 Mr. Patel is just acting as a courier.

14 The evidence in this case, in terms of how  
15 the facts of the case fit into the law, are going  
16 to have to do with knowledge and intent, and you'll  
17 get pieces of that through the statements that  
18 Mr. Patel made to law enforcement and what's on his  
19 phone.

20 When Mr. Patel was interviewed, he was  
21 interviewed in Hindi. That is not his native  
22 language. His native language is Gujarati.  
23 Although Hindi and Gujarati are both languages that  
24 are spoken in India, they are not the same. The  
25 conversations that you'll hear, and the words that

1 are used in this translation that occurs is between  
2 Mr. Patel speaking in Hindi -- or understanding or  
3 interpreting Hindi, and then that also being  
4 transcribed by a -- somebody who is transcribing  
5 it.

6 The nuances of language, the preciseness  
7 of words rather than just an idea or a thought or a  
8 generalized meaning don't always translate well  
9 between Hindi, Gujarati and English. They don't  
10 always translate well in between just people  
11 talking about everyday occurrences, the weather,  
12 when it was going to snow, what you were going to  
13 do. You'll be able to hear and receive evidence  
14 and listen to questions and answers that have to do  
15 with whether or not this is an accurate translation  
16 or different ways that you could interpret it or  
17 believe it or understand it; and the transcripts  
18 and the translations and the language barrier and  
19 the cultural barrier, you'll hear evidence how what  
20 was actually said supports that Mr. Patel was just  
21 a courier in this case.

22 We appreciate all of your time and  
23 attention; and like the Judge instructed you, that  
24 you keep an open mind until the very last witness  
25 and the very last answer. Thank you.

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1 THE COURT: Call your first witness.

2 MR. REED: Judge, the Government would  
3 call Vonda Lutz. It may take a moment, Judge, to  
4 get her up.

5 THE COURT: Ma'am, this is kind of tight  
6 and steep. Are you going to be able to get up  
7 there?

8 (Off the record.)

9 COURTROOM DEPUTY: Please raise your right  
10 hand.

11 (Witness sworn.)

12 THE WITNESS: Yes, I do.

13 COURTROOM DEPUTY: Please state your full  
14 name and spell your last name for the Court.

15 THE COURT: Vonda Gale Lutz, L-u-t-z.

16 COURTROOM DEPUTY: Thank you.

17 **VONDA LUTZ, GOVERNMENT'S WITNESS,**

18 **DIRECT EXAMINATION**

19 BY MR. REED:

20 Q. Good afternoon, Ms. Lutz. Thank you for being  
21 here today. Can you hear me okay?

22 A. Yes.

23 Q. May I call you Vonda?

24 A. Yes.

25 Q. Vonda, where do you live?

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1 A. I live in Columbus, Indiana.

2 Q. And for all of us St. Louis-area people, where  
3 is that?

4 A. That is approximately an hour south of  
5 Indianapolis.

6 Q. Okay. Do you have kids?

7 A. Two.

8 Q. And how old are they?

9 A. My daughter is 60, and my son would have been  
10 63. He's deceased.

11 Q. Do you have grandkids?

12 A. I have two.

13 Q. Great-grandkids?

14 A. I have a great-granddaughter.

15 Q. So how old are you, Vonda?

16 A. I'm 80.

17 Q. Where did you grow up?

18 A. I grew up in the military. My dad was career  
19 Army.

20 Q. Okay.

21 A. So I'm an Army brat.

22 Q. Where are some of the places you bounced around  
23 to as a kid?

24 A. I can recall living in Davenport, Iowa; Fort  
25 Carson, Colorado. My dad's deployment took him



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1 overseas, and we lived in Kirksville, Missouri, for  
2 about a year while he was gone; and on his return,  
3 we went to California, and that's where I was  
4 raised.

5 Q. Okay. Is that where you ended up living as an  
6 adult as well, in California?

7 A. Most of my adult life, yes.

8 Q. Okay. And Vonda, are you retired?

9 A. Yes.

10 Q. What did you do before retirement?

11 A. Registered nurse.

12 Q. Okay. And how long did you work as a  
13 registered nurse?

14 A. Forty-three years.

15 Q. Okay. What kind of work did you do?

16 A. I did many things. Med/surg, ER, ICU, and I  
17 finally landed in physical medicine and  
18 rehabilitation, so I did most of my career in that  
19 field.

20 Q. Okay. And where in California did you live?

21 A. Near Santa Barbara, California.

22 Q. Ma'am, were you married?

23 A. Yes.

24 Q. When did you get married?

25 A. 1964.

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1 Q. And how long were you married?

2 A. Fifty-eight years.

3 Q. What did you do after you retired from  
4 nursing?

5 A. I took care of my granddaughter for three  
6 years.

7 Q. And after that?

8 A. After that, my husband and I moved to Arizona.  
9 We found living in California was going to be very  
10 expensive, so to make our retirement last, we moved  
11 to a place where we could afford a little more.

12 Q. Okay. And where was that in Arizona?

13 A. That was in Douglas, Arizona.

14 Q. Where is Douglas, Arizona?

15 A. It's on the border.

16 Q. Way down south?

17 A. Way down south.

18 Q. Up on the rocks?

19 A. It's on the border of -- it's on the  
20 borderline, yeah.

21 Q. How long were you in -- well, when did you move  
22 to Arizona?

23 A. We moved in 2017.

24 Q. Okay. So how long were you there?

25 A. My husband passed away in '22, in June of '22;

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1 and after that, I realized that I couldn't stay  
2 there by myself because the home we purchased was  
3 off grid, and we had pumps and waters and  
4 generators, and many things that I know nothing  
5 about nor could I have done them anyway.

6 Q. So you said June of 2022 is when he passed  
7 away?

8 A. Yes.

9 Q. Did you sell the house?

10 A. I sold the house, everything in it.

11 Q. Liquidated it all?

12 A. Yeah, auctioned everything off.

13 Q. What did you do after that?

14 A. After that, my daughter came and picked me up  
15 and brought me back to Columbus, Arizona -- or  
16 Columbus, Indiana.

17 Q. Okay. When was that? When did you move back  
18 to Indiana?

19 A. It was in September of '22.

20 Q. Okay. And where did you go? Where did you  
21 live in Indiana?

22 A. When I first came back, I really didn't want to  
23 be burdensome, so I arranged to go to an assisted  
24 living in Franklin, Indiana, which is kind of  
25 midway between Indianapolis and Columbus. My

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1 sister-in-law lived nearby, so I thought I would be  
2 close to family but on my own and be independent.

3 Q. What was the name of assisted living  
4 facility?

5 A. Christina Place.

6 Q. Do you still live there?

7 A. No.

8 Q. Why not?

9 A. Well, my money was taken, and I have nothing  
10 left to support myself.

11 Q. When did you move out?

12 A. I moved out in December of '22.

13 Q. Okay. And where did you move to?

14 A. I live with my daughter in Columbus.

15 Q. Okay. So if we can put up on the screen for  
16 the witness Exhibit 20, it should appear on the  
17 screen in front of you in just a moment. Tell me  
18 when it's there.

19 THE COURT: Jackie, do you have a list of  
20 exhibits?

21 COURTROOM DEPUTY: Uh-huh.

22 THE COURT: May I have it?

23 BY MR. REED:

24 Q. What's pictured here, ma'am?

25 A. That's the front of the facility that I lived

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1 at. It was called Christina House or Christina  
2 Place, an assisted living facility.

3 Q. Is this what it looked like in 2022 when you  
4 lived there?

5 A. Yes.

6 MR. REED: Move to admit Exhibit 20.

7 MS. FRETER: Can I see it?

8 THE COURT: I can't see anything.

9 MR. REED: Is it not up? Can you see it?

10 THE WITNESS: I see it.

11 COURTROOM DEPUTY: I only showed it to her  
12 because you didn't admit it.

13 MR. REED: Can you show it to defense as  
14 well?

15 COURTROOM DEPUTY: Yeah. That goes to the  
16 jury.

17 MR. REED: No, there should be a separate  
18 way to put it on their monitor.

19 COURTROOM DEPUTY: Can you see them? You  
20 guys can see them?

21 MS. FRETER: No objection.

22 THE COURT: Exhibit 20 will be admitted  
23 without objection.

24 (Government's Exhibit No. 20 was received  
25 in evidence.)

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1 COURTROOM DEPUTY: Do you want to publish?

2 MR. REED: Yes, ma'am. Thank you.

3 BY MR. REED:

4 Q. Okay. So you moved into this place in  
5 September of 2022?

6 A. September 15th -- 17th, I think, 2022, yes.

7 Q. What happened in October of 2022?

8 A. I received a text message from Amazon saying,  
9 from the order desk, that there was a problem. And  
10 I had recently ordered some things, nothing really  
11 important. So I thought, well, what's this? So I  
12 called, and he asked me if I had ordered a large  
13 amount of computer equipment, and it was to be  
14 delivered to Albuquerque, New Mexico.

15 Q. And what did you say?

16 A. I said, "No, I did not. That's not correct."

17 Q. What did he say?

18 A. He just -- he kind of questioned me a little  
19 bit. I can't remember exactly. Have you ever been  
20 to Mexico and questions like that. And I said,  
21 "No, it's nothing to do with me. It's not mine.  
22 Cancel it." And he says, "Well, it sounds like  
23 there's a problem. Would you like to report this?"  
24 And I said, "Absolutely."

25 Q. What happened then?

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1 A. There was telephone transfers and holding, and  
2 then a man came on the line, and he stated that his  
3 name was Noah, and he represented the Government  
4 with the FBI and the Department of Treasury, and  
5 they were trying to catch people who were doing  
6 orders like this.

7 Q. So what did this Noah from the Treasury say had  
8 happened?

9 A. Well, he stated that he could help me protect  
10 my money.

11 Q. Why did your money need to be protected  
12 according to him?

13 A. According to him, my name had been found on --  
14 when he was researching, my name had been  
15 identified on the dark web.

16 Q. Okay.

17 A. And that there were 17 accounts open in my name  
18 and that they were after my money.

19 Q. So --

20 A. They were after my -- going to my bank to take  
21 my money away.

22 Q. Did Noah have a solution for this problem?

23 A. Yes.

24 Q. What did he say needed to be done?

25 A. That if I agreed to help this -- his department

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1 that they would protect that money and that banks  
2 don't want to close out accounts so that I needed  
3 to work with him on collecting the money out of the  
4 bank accounts, and we needed to start with an  
5 amount that was -- I don't remember the percentage.  
6 It was small. I needed to withdraw this amount of  
7 money to secure his department to take that money  
8 and hold it in an account and that when it was all  
9 finished, that money would be returned to me.

10 Q. Okay. Did it sound to you like Noah could help  
11 you?

12 A. Yeah.

13 Q. What did he sound like? Your impressions of  
14 him.

15 A. He sounded knowledgeable, and he was very clear  
16 about what we needed to do to protect my money and  
17 that there would be two agents that would come to  
18 me with a certified check when this was done, and  
19 I'd be finished with it.

20 Q. Was there ever any noise in the background when  
21 you talked to Noah?

22 A. Once in a great while. Mostly not.

23 Q. Okay.

24 A. But once in a great while I would get a sense  
25 of an office setting around him.



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1 Q. Background noise?

2 A. Yeah, background. Not very often. It was  
3 mostly quiet.

4 Q. Okay. So when did Noah call you back next?

5 A. The next day.

6 Q. All right. So he had told you you needed a  
7 certain amount of money --

8 A. Uh-huh.

9 Q. -- from your accounts? What did you tell him  
10 when he said you need to get this money?

11 A. Well, he said I had to get this money, and I  
12 said, "There is no way I can go get this money."

13 Q. Did you have a car?

14 A. I don't have a car. I can barely walk. I'm on  
15 oxygen.

16 Q. You told him all that.

17 A. I told him all that, and I said, "I can't go to  
18 the bank. There's no transportation at this place  
19 I'm living."

20 Q. So what did he say?

21 A. I just said, "I can't go."

22 Q. So you tell him you can't go. Does Noah have  
23 an answer for that?

24 A. Yes. He said, "We'll make arrangements for  
25 getting transportation for you to take you to the

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1 bank."

2 Q. Did Noah do that?

3 A. It took him a couple of days. He called me  
4 every day, but he was having trouble finding  
5 transportation.

6 Q. Did he say he had -- tried to get you an Uber  
7 or a cab?

8 A. No.

9 Q. No? So was he able to find you  
10 transportation?

11 A. He was. He found -- I guess it was a cab  
12 service out of Columbus, Indiana -- not Columbus.  
13 I'm sorry.

14 Q. Richmond?

15 A. Richmond, Indiana, which is on the far right  
16 side of the state, and I thought, well, that's --  
17 but not knowing the state of Indiana that well, I  
18 thought, well, maybe it's closer to go that way  
19 than it is Indianapolis, so I didn't really  
20 question it.

21 Q. How far away is Richmond, Indiana from where  
22 you were?

23 A. I really don't know. I can't tell you.

24 Q. Okay. So did someone come and show up?

25 A. It took two or three days, and he said, "I

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1 found transportation for you, and they're going to  
2 come pick you up, but they're coming from Richmond.  
3 It's going to take about an hour for them to get  
4 there."

5 Q. Okay. Did someone show up?

6 A. Someone showed up.

7 Q. Who showed up?

8 A. Two men in a black F-150 pickup truck.

9 Q. Describe the individuals who were driving the  
10 pickup truck.

11 A. They were a father and son. They were quite  
12 obese and unkempt. The truck smelled like BO and  
13 hamburgers, so I call them the "burger boys."

14 Q. The truck -- go ahead.

15 A. The -- the truck.

16 Q. The truck, the F-150 --

17 A. Right.

18 Q. -- did it have any markings, say, Uber or have  
19 a cab or anything like that at all?

20 A. No, it was just a black F-150 pickup truck.

21 Q. Appeared to be a personal vehicle?

22 A. Yes.

23 Q. Did they explain why they were coming in this  
24 pickup truck?

25 A. Well, they explained to me that they have a cab

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1 service in Richmond, and they also have a limousine  
2 service; but because they were going outside their  
3 normal area, they brought the son's truck.

4 Q. Okay. So the first time this pickup truck  
5 pulls up, are you waiting outside already?

6 A. No.

7 Q. How do you know that they're there?

8 A. No, because it's a locked facility.

9 Q. Okay.

10 A. I had to be let out of the facility by someone  
11 at the door.

12 Q. Okay. How did you know that the pickup truck  
13 was ready to go?

14 A. Noah called me --

15 Q. Okay.

16 A. -- and let me know that they were there, they  
17 were pulling into the parking lot and that I was to  
18 go out the door now.

19 Q. Okay. Were they waiting for you when you went  
20 out?

21 A. Yes, they were.

22 Q. Where did they take you?

23 A. They took me to my bank. I gave them the  
24 directions to the bank because it was just down the  
25 street a ways.

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1 Q. Was Noah on the phone with you when you went to  
2 the bank?

3 A. No.

4 Q. Did he coach you on what to say at the bank?

5 A. Not the first time.

6 Q. Okay. Later on?

7 A. Later on he did, yeah.

8 Q. What did he say?

9 A. Each time that he had me go to the bank and  
10 withdraw moneys or funds, he had a story concocted  
11 that I was to tell them that I needed the money for  
12 this or that and what I was going to do with it.

13 Q. The stories that he had concocted, were they  
14 the stories that he had told you about your account  
15 being compromised, or was it a different story?

16 A. Well, he always reinforced it with that.

17 Q. Okay. What kind of stories would he have you  
18 tell the bank?

19 A. That I was going to buy a car, and I needed the  
20 cash to put a down payment on it. The second time,  
21 I believe he told me that --

22 Q. Let me ask you this --

23 A. -- I don't remember exactly.

24 Q. -- so I'll take the example you gave. You go  
25 to buy a car. That wasn't why he had told you you

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1 were getting money from the bank? You weren't  
2 buying a car?

3 A. I wasn't going to buy a car, no.

4 Q. Did you ask him why not tell the bank that I'm  
5 working with the Treasury Department and my account  
6 has been compromised?

7 A. No, I didn't.

8 Q. Okay. Did Noah give you any reason not to tell  
9 the bank that?

10 A. He told me not to talk to anyone.

11 Q. He told you not to talk to anyone?

12 A. Not to talk to anyone. Just tell them what you  
13 need and --

14 Q. Get out of there?

15 A. -- get out of there, yeah.

16 Q. So you say -- you're told don't talk to anyone  
17 at the bank. Did that apply to everybody?

18 A. Uh-huh.

19 Q. Did you tell anybody about this until after the  
20 fact?

21 A. No.

22 Q. Not family?

23 A. No.

24 Q. And who told you not to talk to anybody?

25 A. Noah.

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1 Q. Okay. So back at the bank, you go in. Were  
2 you able to get the money out that you needed to  
3 get out?

4 THE COURT: Counselor, let me stop you  
5 right there.

6 All right.

7 BY MR. REED:

8 Q. Okay. I think we were at the bank. Truck  
9 drops you off at the bank. You get your money. Is  
10 the truck waiting for you when you come out?

11 A. Yeah.

12 Q. Did you ask the truck to wait for you?

13 A. No -- well -- no, I didn't, because Noah said,  
14 "They will take you to the bank, and then they will  
15 take you home."

16 Q. Okay. So did they take you back home?

17 A. Yes.

18 Q. What did you do when you got back with the  
19 money?

20 A. When I got back, as soon as I got in the room,  
21 I guess -- well, I don't know.

22 Q. As soon as you got back, what happened?

23 A. As soon as I got back in the room, Noah called,  
24 and he wanted me to go back to my room, package  
25 this money up in a box with a pair of shoes or

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1 something heavy to give it weight. He wanted me to  
2 put a stack of magazines, but being new to the  
3 facility, I didn't have magazines, so that didn't  
4 work. So he said, "Put a pair of shoes in there."

5 Q. Did you do that?

6 A. I did that.

7 Q. And I caught something you just said right now.  
8 How did you Noah know that you were back at  
9 Christina Place? Did you tell him?

10 A. Unh-unh.

11 Q. But he knew because he called when you got  
12 there?

13 A. He knew.

14 Q. So you packaged it up with the shoes?

15 A. Yes, and magazine or other things just to give  
16 it weight.

17 Q. Give it some weight?

18 A. Yeah.

19 Q. Are you still on the phone with Noah during  
20 this process?

21 A. Constantly.

22 Q. What did he tell you to do next?

23 A. He told me where to mail it.

24 Q. Where were you supposed to go?

25 A. I was supposed to send it to an attorney, I



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1 believe --

2 Q. Okay.

3 A. -- in California.

4 Q. He gave you a name?

5 A. He gave me a name and address, and he had me go  
6 to the UPS store in Franklin.

7 Q. How did you get to the UPS store?

8 A. The boys took me.

9 Q. Were they waiting for you that whole time you  
10 were packaging the box?

11 A. Yes, they were waiting.

12 Q. Sitting outside the front of Christina House?

13 A. Yes.

14 Q. Okay. So you went back out and got back in the  
15 truck --

16 A. Uh-huh.

17 Q. -- and went to UPS?

18 A. Yes.

19 Q. Did you tell them to go to UPS?

20 A. I don't recall if I did or not.

21 Q. Okay. But they --

22 A. I think I said maybe UPS, but I had no idea  
23 where it was.

24 Q. Okay. Did they take you there anyway?

25 A. Yeah.

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1 Q. So they were able to figure out where it was?

2 A. Right.

3 Q. Okay. So did you mail the package by UPS?

4 A. Yes.

5 Q. To the address in California?

6 A. Yes.

7 MR. REED: All right. So if we could put  
8 up for the witness only Exhibit 24, if we could  
9 zoom in on the top part of that.

10 BY MR. REED:

11 Q. Okay. Ma'am, did you save your receipts from  
12 UPS?

13 A. I did.

14 Q. And you showed them to us when we met with  
15 you?

16 A. Yes.

17 Q. Okay. So are these pictures of those  
18 receipts?

19 A. Yes.

20 MR. REED: Move to admit 24.

21 MS. FRETER: No objection.

22 THE COURT: 24 will be admitted without  
23 objection and may be published to the jury.

24 (Government's Exhibit No. 24 was received  
25 in evidence.)

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1 MR. REED: Thank you, Judge.

2 BY MR. REED:

3 Q. Can you see that, Vonda? Up at the top on the  
4 right where it says date?

5 A. Yeah, it says 10-27.

6 Q. The first package was October 27 of 2022?

7 A. Yes.

8 Q. If we could go to page 2 here, please.

9 A. There.

10 MR. REED: And just zoom in on the left  
11 side.

12 BY MR. REED:

13 Q. All right. That first address at the top,  
14 Vonda Lutz, 1435 Christian Boulevard, Franklin  
15 Indiana, is that Christina Place?

16 A. Yes.

17 Q. And the ship to address here: Kory Lawson in  
18 California?

19 A. Yes.

20 Q. Is that the address --

21 A. Yes.

22 Q. -- that Noah gave you?

23 MR. REED: If you could put up Exhibit 28  
24 for the witness, please.

25 BY MR. REED:

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1 Q. Flip through those briefly. Are these pictures  
2 of the box of money that you sent through UPS on  
3 October 27th?

4 A. Yes, it is.

5 MR. REED: More to admit Exhibit 28 and  
6 publish.

7 MS. FRETER: No objection.

8 THE COURT: 28 will be admitted without  
9 objection and may be published.

10 (Government's Exhibit No. 28 was received  
11 in evidence.)

12 BY MR. REED:

13 Q. Okay. So this is the top of the box on page 1  
14 here?

15 A. Uh-huh.

16 Q. If we can scroll down to page 2, page 3, page  
17 4, page 5. Is this how you packaged the box?

18 A. Yes.

19 Q. Like you were describing for us earlier?

20 A. Yes, it is.

21 Q. And what's in the paper towels here?

22 A. That's bundles of money.

23 MR. REED: Go down to the next picture,  
24 and the next one and the next one.

25 BY MR. REED:

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1 Q. Bundled like that?

2 A. Yes.

3 MR. REED: Okay. Next picture. Just flip  
4 down through the bottom there.

5 Okay. Thank you.

6 BY MR. REED:

7 Q. Let's go back to end of October. You sent this  
8 first package out. Did Noah contact you again?

9 A. Yes.

10 Q. How often would he call?

11 A. Every day.

12 Q. What kind of things did he talk about?

13 A. Oh, he tried -- he befriended me. He asked  
14 about losing my husband, and I guess I told him my  
15 story. I don't know. But he told me that his  
16 sister had been scammed so he knew what this was  
17 like, and he sympathized and reinforced that they  
18 were going to help me get my money back.

19 Q. Did he ask about your family?

20 A. A little bit.

21 Q. Did he ask whether you have family nearby?

22 A. Yes.

23 Q. What kind of questions did he ask about that?

24 A. Well, he told me not to even tell my daughter  
25 because you never know when somebody is going to

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1 tell a story or -- and then that information could  
2 get back to the wrong people.

3 Q. Would he ask when your daughter would be  
4 visiting you and when she would be around?

5 A. You know, I think I probably volunteered that  
6 because he knew that she lived some way away and  
7 that she only came up to visit when she had her  
8 days off.

9 Q. Did he ask for more money?

10 A. Yes.

11 Q. How did Noah ask for the money? What format  
12 did he want the money in this time?

13 A. This time we needed another percentage of the  
14 money, and we needed to send -- I don't recall the  
15 amount -- 35,000, I think, something like that.

16 Q. Cashier's check?

17 A. And this was a cashier's check that was to go  
18 to someone in Wisconsin.

19 Q. So he gave you a name for this check?

20 A. Yeah, and this was supposed to be an attorney  
21 or something liking that.

22 Q. He had some story for who the person was in  
23 Wisconsin?

24 A. Yes.

25 Q. How did you get the cashier's check?

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1 A. I went to the bank again with the boys.

2 Q. Same thing as before? The F-150 with the two  
3 guys?

4 A. Same guys, same two guys.

5 Q. Was it the same thing where they showed up, and  
6 then Noah called you and said they were outside?

7 A. Uh-huh.

8 Q. And you said earlier that these two guys had  
9 told you, Oh, we're only taking the pickup truck  
10 because -- for today?

11 A. Their other vehicles are out.

12 Q. But did they come back in the same pickup  
13 truck?

14 A. Yes.

15 Q. Still no markings suggesting a cab company or  
16 Uber or anything like that?

17 A. No, nothing. Just the story they told me.

18 Q. Said they'd take you to the bank?

19 A. Uh-huh.

20 Q. Were you able to get the cashier's check?

21 A. Yes.

22 Q. They took you back home?

23 A. Took me back home.

24 Q. What did you do when you got back with the  
25 cashier's check?

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1 A. Noah called me.

2 Q. He knew when you were --

3 A. When I was back in the building, he called me,  
4 had me, again, prepare an envelope. I think it was  
5 an envelope.

6 Q. To the guy in Wisconsin?

7 A. To the guy in Wisconsin. He gave me an  
8 address, same sort of thing.

9 Q. How did you send that cashier's check?

10 A. I think it was another UPS.

11 Q. Went back to the UPS store?

12 A. I think so.

13 Q. Who took you to the UPS store this time?

14 A. Same guys.

15 Q. Same guys.

16 MR. REED: If we go back to Exhibit 24,  
17 which was previously admitted, page 3, just zoom in  
18 on the top there.

19 BY MR. REED:

20 Q. You see where the date is listed on the right  
21 there?

22 A. Yes.

23 Q. Up at the top?

24 A. Yes.

25 Q. When was this package sent?



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1 A. That was October the -- or November the 2nd.

2 MR. REED: If we go to page 4, the left  
3 side of the packaging label here, just that part  
4 there at the addresses.

5 BY MR. REED:

6 Q. November 2nd of 2022?

7 A. Yes.

8 MR. REED: And Sandra, if we can look at  
9 the "To" and "From" on that shipping label.

10 BY MR. REED:

11 Q. Okay. See where it says "Ship To" up in the  
12 left?

13 A. Yes.

14 Q. Is this the name and address that Noah gave to  
15 you for the cashier's check?

16 A. Yes, it is.

17 Q. And you sent it there?

18 A. Yes.

19 Q. So as the "burger boys," as you call them, are  
20 providing you transportation, do you have to pay  
21 them?

22 A. Yes. When that -- that first bundle of money  
23 that I put in the shoes, Noah had me take out  
24 \$5,000, and he said use that money to pay for the  
25 taxis and any other things you need to pay for.

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1 Q. Okay. So how much would you pay these guys  
2 each time they took you to the bank?

3 A. Well, since I only had bundles of hundreds, and  
4 I didn't go shopping, so I didn't have any way  
5 of -- to break those bills, I would pay them with  
6 hundred dollar bills.

7 Q. About how much would you give them each time?

8 A. Well, they would tell me like 150. Well, all I  
9 had was hundreds, so that's what they got.

10 Q. Okay. Two hundred? Three hundred?

11 A. Usually three hundred.

12 Q. Usually three hundred each trip?

13 A. Yeah, I think the story was that, you know,  
14 they came from Richmond, so it was going to be --  
15 it was over two hundred, probably 250, and I had to  
16 give them three.

17 Q. A lot of money for a trip --

18 A. Too much.

19 Q. Okay. So after this second package drop-off on  
20 November 2nd, did Noah keep calling you?

21 A. Oh, yeah.

22 Q. Was there a stretch where he stopped calling  
23 briefly?

24 A. There was. He said he had to go on a different  
25 assignment, and he needed to be away from the

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1 office, and he would call me back in about a  
2 week.

3 Q. Did he do that?

4 A. He did that.

5 Q. What did he say when he called you back in a  
6 week?

7 A. He said we need to get this finished up, so now  
8 we need to withdraw -- no. He started talking  
9 about gold.

10 Q. About gold?

11 A. About gold. We wanted to purchase gold, gold  
12 coins -- or gold --

13 Q. Bars?

14 A. Bars.

15 Q. How much -- or rather, how did Noah say you  
16 were going to get this gold to him? Did he have an  
17 idea for that too?

18 A. Yeah, he did. He said there's a place in  
19 Oklahoma.

20 Q. APMEX, A-P-M-E-X?

21 A. APMEX, yeah, it was American Metal --

22 Q. Precious Metals something-something?

23 A. Something like that, yeah.

24 Q. Okay. Were you able to open an account with  
25 this?

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1 A. I was. He put me in touch with an agent at  
2 that business, and she helped me open an account to  
3 purchase gold.

4 Q. Did Noah ever call APMEX on your behalf?

5 A. I believe he did.

6 Q. What was going on there?

7 A. Well, I was -- I'm not real computer savvy, and  
8 he was giving me all these instructions, and I  
9 couldn't do it, and I think he made a call on my  
10 behalf and posed as my nephew --

11 Q. Okay.

12 A. -- to help me get started on this, opening this  
13 account.

14 Q. Eventually are you able to get the account  
15 opened?

16 A. I got the account opened.

17 Q. So how did you pay for the gold?

18 A. I needed to go to the bank and get a transfer  
19 arranged to purchase the gold.

20 Q. How did you get to the bank this time?

21 A. The boys.

22 Q. They came and picked you up again and took you  
23 to the bank?

24 A. Came and picked me up.

25 Q. Do you remember how much money you wired to

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1 this APMEX?

2 A. I think it was \$188,000, something like that.

3 Q. 188,000?

4 A. It was a large amount.

5 Q. Okay. So did you get the gold?

6 A. I did.

7 Q. How did it arrive?

8 A. It came in four boxes, kind of, shoebox-size  
9 boxes.

10 Q. What'd you do when the money (sic) came in?

11 A. I let it sit there.

12 Q. Did Noah call?

13 A. He called, and he had me open it, and he talked  
14 me through opening the box, taking out the gold,  
15 laying out the gold, counting the gold, taking a  
16 picture of the gold.

17 Q. He wanted pictures of the gold?

18 A. He wanted pictures of the gold, and we did that  
19 with each box.

20 Q. So you got all these gold bars laid out and  
21 sent him pictures?

22 A. Well, I put them back in the box and then --

23 Q. Took out the next box?

24 A. -- each box at a time, yeah.

25 Q. What did you do with the pictures? Did you

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1 send them to him?

2 A. Yes.

3 Q. Do you still have those pictures on your  
4 phone?

5 A. No, he wanted me to delete them.

6 Q. Did you do that?

7 A. I did. I'm kicking myself now, but --

8 Q. Hindsight, right? Hindsight, yeah.

9 You took pictures of the bars? You  
10 deleted the pictures of the bars. What did Noah  
11 have you do next?

12 A. He had me package them back up into two  
13 boxes.

14 Q. Okay. Consolidate them a little?

15 A. Yeah, consolidate them into two boxes.

16 Q. So how did Noah get the gold bars?

17 A. He told me that a courier would come to pick up  
18 the bars and that he would be driving a maroon or a  
19 dark brown car.

20 Q. Okay.

21 A. And I was to take the boxes out to the car, and  
22 he would open the trunk of the car, and I was to  
23 set the boxes in there and go back to my room.

24 Q. Did the courier come that same day when you got  
25 all the gold bars?

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1 A. Yes -- no. I think that was the next day.

2 Q. The next day after --

3 A. Yeah, that the car came, and Noah had called me  
4 that he was arriving in the parking lot and that I  
5 was to get ready to take the bars to the car.

6 Q. Did he tell you where the car was parked when  
7 the courier pulled in?

8 A. That the car would be parked in the front of  
9 the building on the far right-hand side facing the  
10 building.

11 MR. REED: If we go back to Exhibit 20, if  
12 you can pull that back up.

13 BY MR. REED:

14 Q. Now, of course, that white car isn't -- wasn't  
15 there that day --

16 A. No.

17 Q. -- but compared to where that white car is  
18 parked, where did he tell you the car would be?

19 A. At the very first parking spot.

20 Q. Over here?

21 A. Yeah, basically, about where the white car  
22 is.

23 Q. Okay.

24 A. That morning there were no cars there. Just  
25 his car.

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1 Q. But he parked at the far right side of the  
2 screen?

3 A. Yes.

4 Q. So Noah calls you and tells you he's parked  
5 down there?

6 A. That the courier has arrived, go out to the  
7 front of the building with the gold, that he would  
8 open the trunk, and that I was to drop the boxes  
9 into the trunk of the car.

10 Q. Now, we haven't talked about this. It was a  
11 lot of gold, right? \$188,000 of gold, right?

12 A. Yes.

13 Q. What would you -- five pounds?

14 A. Easily.

15 Q. Easily. Like a bag of flour or heavier?

16 A. Yeah.

17 Q. Were you able to carry all that weight?

18 A. No, no, no, no.

19 Q. So what did you do?

20 A. Well, when I moved, my husband had a walker  
21 when he was ill, and I thought, you know, maybe I  
22 should take it with me because the day is going to  
23 come when I'm going to need it. So I took it with  
24 me, and so I had it in my room, and so I just used  
25 the wheelchair -- or the -- not a wheelchair, but



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1 the walker was the one where the seat flips down  
2 and you can sit on it.

3 Q. Okay.

4 A. So I put the boxes on it and my oxygen on it,  
5 and I wheeled it to the front of the door and out  
6 to the car.

7 Q. How long would it take you to get from your  
8 room to the front door?

9 A. It took about 15 minutes from my room to the  
10 front door.

11 Q. And how long do you think it would have taken  
12 you to get from the front door here to where  
13 Mr. Patel was parked?

14 A. A couple of minutes at least.

15 Q. Did you see the car when you walked out the  
16 door?

17 A. Yes.

18 Q. What color was it?

19 A. Maroon.

20 Q. What else did you notice about the car --

21 A. I noticed that the emblem on the car was a  
22 Nissan emblem.

23 Q. And what else did you notice about the car?

24 A. I noticed that the license plate was from  
25 Illinois.

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1 Q. As you're walking down the sidewalk, what did  
2 you notice about the driver of the vehicle?

3 A. It was cold that day, and he had like a  
4 ski-mask thing on half of his face and kind of a  
5 beanie type knit cap on. That's what I noticed.

6 Q. When you walked out the front door, were you on  
7 the phone?

8 A. Unh-unh.

9 Q. Did you notice whether the driver was on the  
10 phone as you came?

11 A. I kind of thought he was.

12 Q. Okay.

13 A. That thought crossed my mind, yeah.

14 Q. What did you do when you got to the car?

15 A. Well, when I got to the car, I headed towards  
16 the trunk.

17 Q. Okay.

18 A. And he rolled down his side window and he  
19 looked -- glanced back at me and pointed -- rolled  
20 down his back window.

21 Q. The back --

22 A. The back window of the car.

23 Q. The back, rear passenger window?

24 A. Yeah, and then rolled down the driver's side  
25 maybe a quarter of the way and glanced at me and

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1 pointed to the back seat, and I said, "In the  
2 seat?" He didn't say anything, but he just  
3 motioned the seat, so I dropped it in the window  
4 and went back to my room.

5 Q. Did the driver say anything at all to you?

6 A. No.

7 Q. Did he give you a receipt?

8 A. No.

9 Q. Were there any markings on the car suggesting  
10 it was an Uber or a Lyft or a FedEx or anything  
11 like that?

12 A. No.

13 Q. Where did the driver look as you're approaching  
14 the car? Is he looking towards you?

15 A. He was looking straight ahead.

16 Q. So as you got back to your room, what stood out  
17 to you about this interaction with the driver?

18 A. I thought it was strange.

19 Q. Why?

20 A. Well, I thought he should have been a little  
21 friendlier. Yeah, it started me thinking something  
22 doesn't feel right.

23 Q. This guy is being sent by the Treasury  
24 Department according to Noah?

25 A. Yeah, and he's a courier. Why would he be so

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1 unfriendly?

2 Q. Did you keep talking to Noah after the gold was  
3 picked up?

4 A. He called me right away.

5 Q. What are you thinking about at this point?

6 A. I'm thinking something's wrong.

7 Q. What did Noah say to you at that point?

8 A. I don't really recall.

9 Q. Did you express your doubts to him?

10 A. Well, I think I said at one point, "Are you  
11 sure this isn't a scam?" "No, no, no, no, no, you  
12 don't understand. This is the way we have to do  
13 things to get this money through the system and out  
14 of the banks and protected on your behalf. The  
15 money that you put in the car is going to go  
16 directly to the Treasury Department, and then it  
17 will be submitted into your account for a cashier's  
18 check to be written for you that will be delivered  
19 to you by two agents."

20 Q. Did you ever ask him where is my cashier's  
21 check? Where's the agents?

22 A. On the last day I did, yeah.

23 Q. Did the courier in the maroon car come back a  
24 second time?

25 A. He did.

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1 Q. For more cash?

2 A. Yeah.

3 Q. How did you get the cash?

4 A. That was the final -- final installation.

5 Q. Did you have to go back to the bank to get the  
6 cash?

7 A. Yes.

8 Q. Who took you there?

9 A. The boys.

10 Q. What did Noah say when you got back to  
11 Christina House with the cash this time?

12 A. He said that the courier was going to return to  
13 pick this up, and it would be taken to the Treasury  
14 Department office to be processed through the  
15 system.

16 Q. How did you know when the courier had arrived  
17 outside the --

18 A. He called me.

19 Q. Did you go downstairs and out the door with the  
20 box?

21 A. Yes.

22 Q. Was the courier there just like Noah said he  
23 would be?

24 A. Yes.

25 Q. Same car?

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1 A. Same car, same person.

2 Q. Where was he parked?

3 A. Same place.

4 Q. Did you have your oxygen tank with you this  
5 time? The oxygen packet like you do today?

6 A. Yeah, I always have -- when I walk a great  
7 distance, I have to have it.

8 Q. Did you bring the walker this time?

9 A. No.

10 Q. So this time you walk out the door, you have  
11 the oxygen tank in the box but not the walker?

12 A. Right.

13 Q. How long do you think it took you to get from  
14 the front door over to the car?

15 A. It took a couple of minutes probably.

16 Q. Did the driver look your way as you're walking  
17 down the sidewalk?

18 A. I don't know.

19 Q. Any eye contact?

20 A. No, not the second time.

21 Q. What did you do when you got to the car?

22 A. I knew the drill. Drop it in the back seat.

23 Q. Did the driver say anything to you?

24 A. No.

25 Q. You said the first time that he just looked

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1 straight ahead?

2 A. He was just looking straight ahead.

3 Q. Same thing again?

4 A. Same thing. The only time he looked at me or  
5 in my direction is when he motioned that I put it  
6 in the back seat.

7 Q. Did he give you a receipt this time?

8 A. No.

9 Q. Were there any markings on the car?

10 A. No.

11 Q. Did you sign anything when you turned that  
12 money over to him?

13 A. No.

14 Q. Any acknowledgement at all from the driver?

15 A. No.

16 Q. Okay. Did you go back inside?

17 A. I did and Noah called me.

18 Q. Noah kept calling you?

19 A. Yes.

20 Q. Did he ask you about a silver coin collection  
21 at some point?

22 A. Yeah. In him convincing me to do these things,  
23 my husband had been a collector of many things, and  
24 he had a coin collection, specifically, some silver  
25 coins that date back to the early days, 1800s

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1 silver, and I had mentioned that just in  
2 conversation. So he called back and he wanted to  
3 talk about the silver coins; and I said, Well,  
4 those aren't included because those are separate  
5 from my money. Those are designated for my  
6 grandchildren. That's their inheritance,  
7 basically, or part of it.

8 Q. Did the fact that he was asking about these  
9 coins -- was that a red flag for you?

10 A. Yeah.

11 Q. Why?

12 A. I thought why would -- I said you can't have  
13 those.

14 Q. The story was that someone has gotten in your  
15 bank accounts, right?

16 A. Yeah.

17 Q. Were the coins in your bank account?

18 A. The coins were in a safe deposit box at the  
19 bank. He kept wanting me to go get them, and I  
20 said no, these aren't included in this deal.

21 Q. What did he say to that?

22 A. Well, he wanted me to go get them.

23 Q. Kept going back and forth?

24 A. Kind of pressuring me, and then, he said,

25 "Here, my partner wants to talk with you." So this



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1 other person, apparently, got on the phone, and he  
2 started talking, and I said, "Noah?"

3 Q. The same guy --

4 A. It was the same guy. He was just trying to --  
5 and that's when I knew I was in trouble, so I got  
6 on the phone and called the sheriff's department.

7 Q. As you sit here today, do you believe that  
8 anything Noah told you was true?

9 A. No.

10 Q. Do you believe he worked for the Treasury  
11 Department?

12 A. No.

13 Q. It was all a scam?

14 A. It all was a scam. It's a pretty sneaky  
15 scam.

16 Q. Did you ever get any of your money back?

17 A. I got a return of the box with the shoes.

18 Q. The very first one?

19 A. It was intercepted. I guess the dogs smelled  
20 it.

21 Q. So the very first box, the one we looked at  
22 with the shoes?

23 A. Yeah --

24 Q. That's the one that got --

25 A. I got 25,000 back, yeah.

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1 Q. -- intercepted?

2 MR. REED: Okay. If we could put up  
3 Exhibit 26 for the witness, please. If we could  
4 just look at the second page as well.

5 BY MR. REED:

6 Q. Vonda, do you recognize these pages?

7 A. Yes.

8 Q. Are these pages that you got from where the  
9 first box was intercepted?

10 A. Yes.

11 MR. REED: Move to admit 26, please.

12 MS. FRETER: No objection.

13 THE COURT: What's the number?

14 MR. REED: 26, Judge.

15 THE COURT: 26 will be admitted without  
16 objection.

17 (Government's Exhibit No. 26 was received  
18 in evidence.)

19 MR. REED: Can we publish that for the  
20 jury.

21 BY MR. REED:

22 Q. It says at the top here, Jefferson County  
23 Sheriff's Office, Louisville Kentucky?

24 A. Yes.

25 Q. What happened in Louisville, Kentucky?

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1 A. Apparently, they intercepted the box. I guess  
2 they have dogs that sniff the boxes.

3 Q. And they found yours?

4 A. It had money in it.

5 Q. This letter on the front here, it's dated  
6 December 16th of 2022, is this when you heard that  
7 your package had been interpreted?

8 A. Uh-huh.

9 MR. REED: And then page 2, if you could  
10 zoom in at the check on the bottom, please. Just  
11 the check.

12 BY MR. REED:

13 Q. The 25,000 you got back?

14 A. Yes.

15 Q. When did you get your money back?

16 A. Well, I think it was around the 5th or 6th  
17 maybe.

18 Q. February of 2023?

19 A. Yeah.

20 Q. Did you get any other money back other than  
21 this 25,000?

22 A. No.

23 MR. REED: You can take that down.

24 BY MR. REED:

25 Q. Vonda, how did this experience impact your

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1 life?

2 A. It destroyed it.

3 Q. Tell us about that.

4 A. Well, I had plans of things I'd like to do. I  
5 was hopeful that as -- since I had moved from  
6 Arizona, which was high altitude, we lived at  
7 almost 5,000 feet, and I could barely -- I was on  
8 oxygen 24 hours a day, around the clock. I was  
9 hopeful that when I got to an elevation that I  
10 could handle, that things would improve, and I was  
11 hopeful I could buy a car and do some things that  
12 I'd like to do plus live an independent life and  
13 take care of myself and not beholden to others  
14 because that's the last thing I wanted in my life,  
15 to be dependent on someone.

16 Q. What about non-financial impacts, how did this  
17 impact you in other ways?

18 A. It makes me very distrustful of people. Being  
19 a nurse, I always liked to talk to people and hear  
20 their story and just talk to people, and now I'm  
21 afraid to talk to anyone. I'm embarrassed by this.  
22 I don't want to share this information about what  
23 happened to me. I don't want to live this way.  
24 I'm really not very happy.

25 MR. REED: No further questions, Judge.

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1 Pass the witness.

2 **CROSS-EXAMINATION**

3 BY MS. FRETER:

4 Q. Ms. Lutz -- is it Lutz?

5 A. Lutz, yes.

6 Q. About how many times do you think you talked to  
7 Noah?

8 A. Every day.

9 Q. For --

10 A. From the time he first contacted me.

11 Q. And so would that be like a couple of months?

12 A. Yeah.

13 Q. Okay. And did you have a cell phone or a  
14 landline or both?

15 A. Cell phone.

16 Q. And do you remember, did you give him the  
17 number, or how did he get that number?

18 A. The first call from the Amazon, he had my  
19 number.

20 Q. Did you call in to Amazon or did Amazon call  
21 you?

22 A. I called Amazon help desk or order desk to see  
23 why they were questioning my order.

24 Q. And that was in response to an email you were  
25 using?

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1 A. Yes.

2 Q. And did you look at the email on a computer or  
3 on a phone?

4 A. It was on my phone.

5 Q. And was it a smartphone like you can --

6 A. It's an iPhone.

7 Q. An iPhone, okay.

8 And was it that same phone that you were  
9 using then to talk to this Noah person?

10 A. Yes.

11 Q. And so every day for a couple of months, what  
12 did Noah sound like? What kind of voice did Noah  
13 have?

14 A. I could tell that he had a foreign accent.

15 Q. Was it an accent where you couldn't understand  
16 what he was saying?

17 A. No, he spoke English very well. The accent he  
18 had was very slight so that I couldn't really  
19 pinpoint what kind of accent it was.

20 Q. So not Midwestern-type English but some kind of  
21 accent, but you weren't exactly sure what it is?

22 A. Right. Well, at first I thought, well, is he  
23 Spanish, but the more he talked -- and I had worked  
24 with Spanish people because I worked in California,  
25 so I worked with Mexican people, so I know that

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1       accent pretty well, and it wasn't that.

2       Q. The time where he pretended to be his partner  
3       or somebody else, did he switch up his voice or  
4       accent?

5       A. He tried to, but I could tell it was the same  
6       voice.

7       Q. And so what did he try to make it sound like?

8       A. I'm not sure.

9       Q. Just something different?

10      A. Just different.

11      Q. Did he get rid of his accent, or was it still  
12      there? Do you remember?

13      A. He really had a very slight accent, so it was  
14      hard to say, and I can't even think about specific  
15      words that were more accent prone. It was very  
16      slight.

17      Q. And -- okay. And you didn't have any problems  
18      communicating with him or understanding?

19      A. No.

20      Q. And you guys talked about your family, your  
21      kid, your husband?

22      A. Yeah. He small talked while we were waiting  
23      for things to happen, and he shared family, that he  
24      had a daughter and that his sister had been scammed  
25      by these people, so he really wanted to catch

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1 people like this.

2 Q. And then he had you take pictures of the box  
3 that you sent with the gold bars; is that right?

4 A. Uh-huh.

5 Q. And so for the court reporter, instead of  
6 "uh-huh" or "unh-unh," I'm going to get you to say  
7 yes or no.

8 A. Oh, yes. I'm sorry.

9 Q. It's okay. It's hard to remember.

10 And did you take those with your iPhone?

11 A. Yes.

12 Q. And did you delete those afterwards?

13 A. He told me to delete them.

14 Q. And you did that?

15 A. And I did that.

16 Q. And was that after you put the bars in the car  
17 or before? When did he tell you to delete those?  
18 Like in the --

19 A. Right after we boxed them up.

20 Q. Okay. They came in boxes, right?

21 A. Uh-huh.

22 Q. I got to get you to say --

23 A. Yes. I'm sorry.

24 Q. It's okay.

25 And then you took them out and looked at



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1       them?

2       A. Yes.

3       Q. And took pictures at his direction, and did you  
4       text them or email them?

5       A. I sent them to him, yes, text messaging.

6       Q. Text message. So you were sending them to a  
7       phone number, not an email?

8       A. To his phone.

9       Q. Did you save his phone number anywhere?

10      A. No, but I think I reported it to the police.

11      Q. So you send him the pictures, and then are you  
12      back on the phone with him again?

13      A. I'm on the phone with him the whole time.

14      Q. The whole time?

15      A. Yeah.

16      Q. You take the pictures, and then he says delete  
17      the pictures?

18      A. Uh-huh.

19      Q. And did he say why?

20      A. I think I may have said why are we doing that,  
21      and he said something like you really don't need  
22      them now. We've got them in your file.

23      Q. And --

24      A. I almost didn't.

25      Q. You almost didn't?

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1 A. You almost didn't.

2 Q. Because why?

3 A. I was getting suspicious.

4 Q. Did you have -- with your phone, did you have,  
5 like, memory issues or something that, like, if you  
6 delete pictures or issues, it gives you more space?  
7 Did you have that kind of problem or not really?

8 A. No.

9 Q. Did he have you take pictures of anything  
10 else?

11 A. Just the boxes and the receipts and the things  
12 through the whole process.

13 Q. Okay. So you took pictures -- I don't think I  
14 understood that right.

15 You took pictures of more than just the  
16 gold bar thing; is that right?

17 A. Uh-huh.

18 Q. And I've got to get you to say yes or no.

19 A. Yes.

20 Q. Sorry. And so the very first time the "burger  
21 boys" take you to UPS, right?

22 A. Yes.

23 Q. Let's talk about those guys. What did they  
24 look like? You said they were really overweight?

25 A. Yes.

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1 Q. Were they white or black, or what did they look  
2 like?

3 A. They were white. A father and son. The father  
4 was middle-aged, probably in his fifties maybe,  
5 fiftyish. He was over 300 pounds.

6 Q. Okay.

7 A. He told me that he recently had a stroke, so  
8 his son came with him to drive, and the son was  
9 about twenty years old, equally as large or more.

10 Q. And did they look like each other, or is it  
11 just them telling you they were father and son?

12 A. They acted like a father and a son.

13 Q. Okay. Did you guys -- you said it was pretty  
14 close between your house and the bank. Was it a  
15 couple miles?

16 A. Maybe a mile and a half, two miles.

17 Q. And you guys would talk on the way there, they  
18 would wait for you, and then they would bring you  
19 back?

20 A. They would just tell me that they're a cab  
21 service, and they have a limousine, and this is why  
22 we're using the truck because all their vehicles  
23 are out on the road.

24 Q. And then an F-150, did it have an extended cab  
25 where you had to get in the back? Were you in a

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1 front passenger? Like where did you sit?

2 A. Yeah, it had the double cab.

3 Q. Okay. Did you sit in the front or the back?

4 A. Back seat.

5 Q. It's hard to get in and out of?

6 A. Very hard to get in and out of.

7 Q. And you got in and out of that truck, was it,  
8 three or four times to go to the bank?

9 A. Uh-huh.

10 Q. And then another two or three times to go to  
11 UPS?

12 A. Yes.

13 Q. And the --

14 A. It was very difficult to step up into that  
15 truck because --

16 Q. You got to grab the thing and pull up?

17 A. I had to climb into it.

18 Q. Right. Because how tall are you?

19 A. I'm short.

20 Q. Me too.

21 A. I'm 5-3, and so for me to step up on the -- I  
22 really had to grab the bar up top and the seat and  
23 pretty much pull myself up.

24 Q. And so did you ever get their names, the  
25 "burger boys'" names?

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1 A. I know that the boy's name was John because I  
2 was kind of teasing with him one of the times when  
3 we went to the bank, and I said, "Home, James," and  
4 he said, "My name is John." I was teasing him with  
5 "Home, James" --

6 Q. Sure.

7 A. -- but he didn't get it. He was too young.

8 Q. Because that's like a chauffeur kind of joke?

9 A. Yeah, it's an old term. You have to be old to  
10 understand it.

11 Q. And they didn't have accents?

12 A. No, no.

13 Q. They're just white guys?

14 A. Yep, yep.

15 Q. And when they take you to the bank, do you --  
16 at any time when you go to the bank, do you talk to  
17 any of the bank or the tellers or the folks in the  
18 bank other than to just withdraw money and leave?

19 A. No. They would ask me, "Are you sure this is  
20 okay?" And I would say, "Yes."

21 Q. And then the "burger boys" would take you back  
22 home, they'd wait for you to package up whatever  
23 you had, and then they'd drive you to UPS?

24 A. Yeah, I believe they were instructed to wait  
25 for me.

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1 Q. And why do you feel that way?

2 A. Because as soon as I would get out, I would see  
3 him pick up his phone.

4 THE COURT: We're about ready for a break.  
5 We're past due for a break. How much do you have  
6 to go? Do you have a while you think?

7 MS. FRETER: I wouldn't say a lot but a  
8 couple questions probably.

9 THE COURT: More than five minutes?

10 MS. FRETER: I can do it in five.

11 THE COURT: I don't want to rush you. I'm  
12 just trying to figure out. We need to give  
13 breaks.

14 BY MS. FRETER:

15 Q. Did you take pictures -- the first box that you  
16 sent with the shoes, did you take pictures of  
17 that?

18 A. Yes, I did.

19 Q. Okay. And did you delete those also?

20 A. Yes.

21 Q. Okay. And that was because Noah told you to do  
22 that?

23 A. Right.

24 Q. And then was there another -- there was just an  
25 envelope with cash in it?

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1 A. Yes.

2 Q. And did you take pictures of that?

3 A. No -- well, for him, yes, and then I deleted  
4 it.

5 Q. And then you deleted it?

6 A. Right.

7 Q. And then it was the pictures of the gold bars  
8 that got deleted, right?

9 A. Yes.

10 Q. And then is there one more?

11 A. Yes.

12 Q. And you took pictures of that?

13 A. Yes.

14 Q. And you deleted that?

15 A. Right.

16 Q. And when you went to the car to talk to -- put  
17 the gold bars in, you said you said something to  
18 the driver, right?

19 A. Well, Noah had instructed me to drop it in the  
20 trunk; but when I went outside, he didn't flip the  
21 trunk open. He rolled down the back window, and I  
22 said, "In the back seat?" And he motioned yes.

23 Q. And so because you didn't have conversation,  
24 you don't know whether he understood what you were  
25 saying or spoke English? You don't know that?

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1 A. No.

2 Q. And was it the same person the next back seat  
3 delivery that you had --

4 A. Yes.

5 Q. -- as the first one?

6 A. Yes.

7 Q. And you saw or felt that the driver for that  
8 was also on the phone; is that right?

9 A. Yes.

10 Q. And both of the times -- in fact, all of the  
11 times you were able to go to these cars with  
12 difficulty, but you were able to do it on your own;  
13 is that right?

14 A. Yeah, or with my walker, yes.

15 Q. With your walker, but you didn't have any staff  
16 from the house helping you?

17 A. No.

18 Q. In fact, you pushed all those gold bars  
19 yourself on the walker, right?

20 A. On the wheeled walker, yes.

21 Q. They're heavy?

22 A. Not on the wheels.

23 Q. Okay.

24 A. The walker wheels are very easy to push, so  
25 no.



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1 Q. And then other than telling you to put shoes  
2 and items in the box, did Noah tell you any other  
3 way to package the items?

4 A. No, just wanted to add weight to the box.

5 Q. And one of the UPS boxes, it says that there's  
6 clothes and miscellaneous items in there and that  
7 you declined the insurance?

8 A. That's what he told me to say.

9 Q. And that's what you did?

10 A. Yes.

11 Q. And then the other one, it says it's  
12 miscellaneous medical papers or something?

13 A. That's what he told me to say.

14 Q. And that's what you did?

15 A. Yes.

16 MS. FRETER: I don't have anything  
17 further.

18 MR. REED: No questions, ma'am. You're  
19 all done.

20 THE COURT: Mr. Reed, how long do you  
21 have?

22 MR. REED: I'm done with her, Judge. No  
23 questions.

24 THE COURT: You have no redirect?

25 MR. REED: No, Judge.

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1 THE COURT: All right. Thank you, ma'am.  
2 You may step down.

3 (Witness excused.)

4 We're going to take a recess. Let's come  
5 back at 20 minutes to four. This is your first  
6 break, and you will be going this direction into  
7 the jury room. So I need to remind you -- I'm not  
8 going to do this every time, but I need to do it  
9 regularly and that you may not communicate with  
10 anyone about this case on your cell phone, through  
11 email, iPhone, text messaging or Twitter or X or  
12 through any blog or website, through any Internet  
13 chat room or by way of any social networking  
14 websites, including Facebook, Instagram, Snapchat  
15 LinkedIn or YouTube.

16 If anyone approaches you or tries to talk  
17 about the case, do not tell your fellow jurors, but  
18 advise me about it immediately. Do not read or  
19 listen to any news reports of this trial.

20 Finally, remember to keep an open mind  
21 until all the evidence has been received and you  
22 have heard the views of your fellow jurors. Okay.

23 (Recess at 3:25 p.m. until 3:43 p.m.)

24 (Jury present.)

25 THE COURT: All right. Please be seated.

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1 All right. Call your next witness.

2 MR. REED: Judge, the Government calls

3 Kody Martin, K-o-d-y, Martin.

4 COURTROOM DEPUTY: Please raise your right  
5 hand.

6 (Witness sworn.)

7 COURTROOM DEPUTY: Please state your full  
8 name and spell your last name for the Court.

9 THE COURT: Kody Martin, last name is  
10 M-a-r-t-i-n.

11 COURTROOM DEPUTY: Thank you so much.

12 **KODY MARTIN, GOVERNMENT'S WITNESS,**

13 **DIRECT EXAMINATION**

14 BY MR. REED:

15 Q. Good afternoon, sir. Thank you for your time  
16 today.

17 Where do you work, sir?

18 A. I work for the City of Franklin Police  
19 Department in Franklin, Indiana.

20 Q. How long have you worked for the Franklin  
21 Police Department?

22 A. It will be nine years at the end of this  
23 month.

24 Q. Before that, did you go to college?

25 A. I did. I did a two-year degree in law

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1 enforcement in Vincennes University in Vincennes,  
2 Indiana.

3 Q. What did do you after you graduated?

4 A. After I graduated college, I worked for 19  
5 months at a county jail in Montgomery County,  
6 Indiana.

7 Q. Did you complete any training before joining  
8 Franklin Police Department?

9 A. I did the required training to be a special  
10 deputy or the basic training to start as a police  
11 officer in Indiana prior to being hired by the  
12 police department.

13 Q. What was your role when you started at  
14 Franklin?

15 A. When I got hired with Franklin Police  
16 Department, my role was as a patrol officer.

17 Q. And when was that?

18 A. That was February 22, 2016.

19 Q. And how long were you a patrol officer?

20 A. I was a patrol officer for a little over four  
21 years until September of 2020.

22 Q. And what happened in September of 2020?

23 A. I became a detective with the police  
24 department.

25 Q. What does a detective do?

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1 A. So we investigate anything that is outside the  
2 normal range for patrol officers, so that could be  
3 any witnesses or any alleged perpetrators that may  
4 not live within our jurisdiction, could be doing  
5 follow-up for patrol officers, and then any case  
6 that requires any further investigation besides  
7 just the basic who, what, when, where, why, talking  
8 to two parties and moving on, more serious crimes  
9 of that nature.

10 Q. As a detective, were you assigned a fraud case  
11 involving Vonda Lutz?

12 A. I was.

13 Q. How did you get involved?

14 A. So our supervisors, our lieutenant and our  
15 sergeant, review cases that are sent to the  
16 investigation unit, and they then decide based upon  
17 caseload, depending upon what your specialties may  
18 be, if there is a specialty required, who gets  
19 assigned that case. I was assigned the case by my  
20 supervisor.

21 Q. How did you start your investigation?

22 A. Very first thing that I did was I reviewed our  
23 patrol officer's report for his initial contact  
24 with Ms. Lutz.

25 Q. Were you able to determine who was talking to

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1 Vonda Lutz on the phone?

2 A. I was never able to actually determine the  
3 identity of the person talking to Vonda.

4 Q. Were there unknown vehicles involved as well?

5 A. There were.

6 Q. Let's talk about those. Did you try to  
7 identify the individuals in the black truck who  
8 came and picked up Vonda and took her to the  
9 bank?

10 A. I did make attempts to identify them, yes.

11 Q. What information did you have about those  
12 individuals and their vehicle?

13 A. I knew it that was a four-door, full-size Ford.  
14 Other than that, it was very limited in that there  
15 was two heavysset, white males that were in the  
16 vehicle; and based off of that information, I was  
17 not able to identify that truck.

18 Q. Walk us through the steps that you took to try  
19 to identify that vehicle and the people who owned  
20 it.

21 A. Yes. So there were three different areas where  
22 I attempted to obtain camera footage of the truck.  
23 The first one was at First Merchants Bank, which is  
24 the location where Ms. Lutz banked and withdrew  
25 money and a money order from. The bank did not

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1 have any cameras outside of the building except on  
2 their ATM, and the location that Vonda had  
3 described to me where the truck parked did not get  
4 covered by that ATM camera footage.

5 The second one, I obtained a Court-ordered  
6 subpoena to UPS, where Vonda had shipped a package  
7 from, to try to get any sort of camera footage, and  
8 they did not have any footage available inside that  
9 store.

10 And then the last and third way, our city  
11 has a -- they're license plate camera readers, it's  
12 called the Flock system, and in the reported area  
13 where that vehicle had traveled, there is one  
14 camera that would have potentially have captured  
15 that vehicle. Both based between the fact that  
16 those images only last for thirty days, from the  
17 time that I got the report, we had already missed a  
18 portion of that window, and finding a black,  
19 full-size Ford, four-door truck, there was more  
20 than just one that popped up.

21 Q. So no luck at UPS, no luck at First Merchants,  
22 no luck with the Flock cameras?

23 A. Correct.

24 Q. Did you also ask about cameras at Christina  
25 Place where Vonda was staying?

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1 A. Correct. They have no exterior cameras.

2 Q. Did you attempt to locate these two individuals  
3 in Richmond?

4 A. I followed all leads that I had, and I had no  
5 luck in locating them.

6 Q. Okay. What about the other vehicle, did Vonda  
7 tell you about another car?

8 A. Yes. So Vonda described to me a vehicle that  
9 had picked up packages from her on two occasions.  
10 It was a maroon Nissan Altima with Illinois license  
11 plates.

12 Q. What did you do to try to identify that vehicle  
13 and the individual driving it?

14 A. Yeah, so I was more limited with what Vonda had  
15 reported to me. That vehicle only came to  
16 Christina House. I already knew that Christina  
17 House did not have camera footage on the outside of  
18 the building. I also attempted to utilize our  
19 Flock camera system, the license plate reader.  
20 Where the Christina House is located, there is no  
21 Flock cameras that cover north of that, and that  
22 vehicle never came into our town. I didn't find  
23 any Nissan Altima with Illinois license plates.

24 Q. So no luck at that time identifying that  
25 vehicle either?



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1 A. Correct.

2 Q. Okay. So let's talk about the packages that  
3 Ms. Lutz sent. After you spoke with Ms. Lutz, did  
4 you go to her bank, First Merchants?

5 A. I contacted them, I went there and then served  
6 them with Court-ordered subpoenas at that time as  
7 well.

8 MR. REED: At this time, the Government  
9 would move to admit Government's Exhibit 1 pursuant  
10 to Rule 902. It's the bank records if we can pull  
11 them up.

12 MS. FRETER: I think that this witness  
13 needs to lay a little bit of foundation for that.

14 THE COURT: I'm not hearing you. I'm  
15 sorry. Is this an objection?

16 MS. FRETER: Foundation.

17 MR. REED: Judge, I think this was a  
18 subject of a motion in limine.

19 THE COURT: It's already been ruled on?

20 MR. REED: Yes, Judge.

21 MS. FRETER: So, Judge, this witness has  
22 testified that he went to the bank, and the  
23 Government is just saying I'm going to admit  
24 Exhibit 1 without, sort of, the intermediary  
25 identification and basic foundation questions

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1 relevant to an exhibit.

2 THE COURT: Do a sidebar.

3 (Sidebar proceedings on the record.)

4 THE COURT: All right. Was there a -- so  
5 there's no agreement ahead of time to admit this?

6 MS. FRETER: Judge, the Court's ruled for  
7 purposes of the banking record. All I'm asking is  
8 that this witness say I went into the bank, I'm  
9 looking at Exhibit 1, these are the records I  
10 picked up, so that he has some knowledge of it.

11 Not a long thing, but just --

12 THE COURT: That's fine.

13 MR. REED: Judge, by way of background,  
14 the motion asked was subject to Rule 902, move all  
15 the financial records, the gold records into the  
16 record. I can re-lay all that foundation, but I  
17 don't think it's required by the rules. It's  
18 already been admitted. It's already been ruled on  
19 without objection.

20 THE COURT: Just ask the two questions she  
21 asked.

22 MR. REED: All right.

23 (End of proceedings at sidebar.)

24 BY MR. REED:

25 Q. I'm going to put Exhibit 1 up on the screen for

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1 the witness. Did you subpoena First Merchants Bank  
2 for the banking records of Vonda Lutz?

3 A. I did.

4 Q. Is that what we're looking here in Exhibit 1?

5 A. Yes.

6 MR. REED: Move to admit Exhibit 1.

7 MS. FRETER: No objection.

8 THE COURT: Admitted without objection.

9 (Government's Exhibit No. 1 was received  
10 in evidence.)

11 BY MR. REED:

12 Q. So let's start with that first package. Go to  
13 page 3. What are we looking at here on page 3?

14 A. So this is a checking account withdrawal slip  
15 from First Merchants Bank that was dated October  
16 27, 2022. It's got Vonda Lutz' name and account  
17 number on it, and it shows a withdrawal amount of  
18 \$30,000.

19 Q. Okay. And the date on there, I believe, is  
20 October 27 of 2022. Is that date consistent with  
21 when Vonda told you she had sent the first  
22 package?

23 A. Yes, that was consistent.

24 MR. REED: If we can pull up Government's  
25 Exhibit 24, previously admitted, page 2.

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1 BY MR. REED:

2 Q. The ship date up in the top left, is that also  
3 October 27 of 2022?

4 A. It is.

5 Q. What happened to this package?

6 A. This package was seized by the Jefferson County  
7 Sheriff's Office in Kentucky.

8 Q. On this page 2, this package is being sent to a  
9 Kory Lawson with a California address. Do you see  
10 that?

11 A. Yes.

12 Q. Were you able to find Kory Lawson at this  
13 address?

14 A. No. Through all records that I could search  
15 through, there was no connection between this  
16 address and a Kory Lawson or a Kory Lawson and a  
17 close address to that.

18 Q. Have you seen that before?

19 A. I have, yes.

20 Q. Where have you seen that before?

21 A. The address not matching the name, sir?

22 Q. Yes, sir.

23 A. Consistent with somebody who is shipping a  
24 package, but they don't want to ship it to their  
25 home for whether it's nefarious reasons. A lot of

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1 times we see this in fraud cases or we see this  
2 with people who use maybe a stolen credit card to  
3 purchase items and have it shipped to maybe a  
4 neighbor's address or just a general address where  
5 they can go pick it up later.

6 Q. So let's move on to the second package. Back  
7 to Exhibit 1, page 4.

8 MR. REED: If you could zoom in on the  
9 front part of that check, please.

10 BY MR. REED:

11 Q. What are we looking at here?

12 A. This is an official check that was drawn from  
13 First Merchants Bank for Vonda Lutz in the amount  
14 of \$95,200.

15 Q. And when was this check dated?

16 A. November 2, 2022.

17 Q. Who is it written to?

18 A. The check is written to David Witkowski.

19 MR. REED: If we can jump back out and  
20 jump to the back of this check.

21 BY MR. REED:

22 Q. Is the check endorsed?

23 A. It is.

24 Q. Can you tell who it is endorsed by?

25 A. It appears that it is endorsed by David

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1 Witkowski.

2 Q. Does that indicate to you that it was, in fact,  
3 cashed?

4 A. Yes.

5 Q. Page 5, what are we looking at here?

6 A. That is the official checking account  
7 withdrawal slip for that previous check for \$95,200  
8 drawn from Vonda's checking account.

9 Q. Okay. So this is dated November 2, 2022?

10 A. Correct.

11 Q. Go back to Exhibit 24, please, page 4. Up at  
12 the top, there is a ship date. Is it also November  
13 2nd of 2022?

14 A. It is.

15 Q. Same date the check -- cashier's check was  
16 drafted?

17 A. Yes.

18 Q. It says here that this was sent to this David  
19 Witkowski in Couderay, Wisconsin. Were you able to  
20 figure anything out about David Wisconsin?

21 A. I was not. That address is actually a CVS.

22 THE COURT: I'm sorry? A what?

23 THE WITNESS: A CVS Pharmacy.

24 BY MR. REED:

25 Q. So the package was shipped to a CVS?

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1 A. Yes.

2 Q. To a desk?

3 A. I don't know where it went to there. I just --  
4 to that location.

5 Q. Let's move on to the third package that  
6 contained the gold.

7 MR. REED: If we can go back to Exhibit 1,  
8 page 16, if you could zoom in there on the  
9 transactions.

10 BY MR. REED:

11 Q. Okay. Let's see here. It looks like November  
12 18 of 2022 there's a wire out. Do you see that?

13 A. Yes, sir.

14 Q. What was the amount of the wire?

15 A. \$188,318.66.

16 Q. Were you able to determine where this wire  
17 went?

18 A. Yes.

19 MR. REED: So page 17 of this exhibit, I  
20 think it's the last page, okay. Can we zoom in on  
21 just the top half of this page? There we go.

22 BY MR. REED:

23 Q. Is this a record of that wire?

24 A. It is, yes.

25 Q. Okay. Where did this wire originate? Who is

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1 the sending bank and originator?

2 A. From First Merchants Bank.

3 Q. In Muncie, Indiana?

4 A. Yes, sir.

5 Q. And who is the originator? Who is sending the  
6 money?

7 A. Vonda Lutz.

8 Q. Okay. What's the receiving bank?

9 A. The receiving bank is listed as the BOKF NA out  
10 of Tulsa, Oklahoma.

11 Q. And who is the beneficiary of this \$180,000?

12 A. Yes, it's A-P-M-E-X.

13 Q. And where is that BOKF NA? You may have said  
14 that? Tulsa, Oklahoma?

15 A. Yes, sir.

16 MR. REED: All right. If we could show  
17 Exhibit 23 for the witness.

18 BY MR. REED:

19 Q. Did you subpoena this APMEX -- I'll ask it this  
20 way. Do these appear to be records from APMEX?

21 A. Yes.

22 Q. And on page 1 here -- if we could zoom in on  
23 the top part here -- do these appear to be records  
24 for Vonda Lutz?

25 A. Yes.



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1 MR. REED: Move to admit Exhibit 23.

2 MS. FRETER: No objection.

3 THE COURT: Admitted without objection.

4 (Government's Exhibit No. 23 was received  
5 in evidence.)

6 BY MR. REED:

7 Q. Go down to page 3. See all those calls there?  
8 This first record on 11-21, can you just read the  
9 note in there?

10 A. CID2940 at 389 called in asking about 0ID No.  
11 2695576. Stated that his grandmother placed the  
12 order and is waiting a status -- wanting a status.  
13 I apologize.

14 Q. So someone asking about Vonda's order?

15 MS. FRETER: Objection. Calls for  
16 speculation.

17 THE COURT: What's your response?

18 MR. REED: Judge, as you can see from the  
19 face of it, there's a list of calls about Vonda's  
20 records as he previously testified.

21 THE COURT: All right. So the document  
22 speaks for itself. Your question is -- what was  
23 your question?

24 MR. REED: Is this someone calling in  
25 about Vonda's order?

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1 THE COURT: All right. Sustained.

2 MR. REED: Zoom back out, please.

3 THE COURT: You have the bank record, and  
4 this is with respect to only this transaction,  
5 correct?

6 MR. REED: Yes, Judge. Absolutely.

7 BY MR. REED:

8 Q. Okay. Page 4, it's the next page down. Is it  
9 an order summary?

10 A. Yes.

11 Q. What's being purchased in the description?

12 A. Yes, it is 2022 1-ounce American Gold Eagle  
13 BU.

14 Q. And how many of these are being purchased?

15 What is the quantity on the left side?

16 A. Ninety-four.

17 Q. So 94 pieces at 1 ounce each?

18 A. According to this, yes, sir.

19 Q. Sixteen ounces to a pound, so something like 5  
20 pounds?

21 A. Not great at math, sir.

22 Q. Okay. Sixteen ounces to a pound. Ninety-four  
23 total ounces?

24 A. Yes.

25 Q. How did this gold get from Vonda Lutz to the

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1 bad guys?

2 A. So Vonda reported to me in talking --

3 MS. FRETER: Objection. Hearsay.

4 BY MR. REED:

5 Q. How did you know to look for the Nissan

6 Altima?

7 A. I knew to look for the Nissan Altima because  
8 that was the vehicle that was described to me as  
9 the suspect vehicle picking packages up for both  
10 this package of the gold and for another package  
11 afterwards.

12 MR. REED: Back to Exhibit No. 1, please,  
13 if we could, page 1.

14 BY MR. REED:

15 Q. What is this?

16 A. This is a checking account withdrawal slip.  
17 It's from First Merchants Bank. It's signed by  
18 Vonda Lutz, but there is a different account name,  
19 and it was in the total of \$10,000.

20 Q. What's the date on this \$10,000 withdrawal?

21 A. November 30, 2022.

22 Q. And then, page 2 as well, what are we looking  
23 at here?

24 A. It is also a checking account withdrawal on  
25 November 30, 2022, in the amount of \$14,500. It was

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1 signed for by Vonda Lutz.

2 Q. Okay. 24,500 in total withdrawals?

3 A. Yes, sir.

4 Q. So these two withdrawals are in two different  
5 accounts, right?

6 A. Pardon me?

7 Q. These two withdrawals, are they on different  
8 accounts? And we can look at it. This is drawn  
9 on -- 6674 is the account number?

10 A. Yes.

11 Q. If we go back up to page 1, and this account  
12 number ends in 6666?

13 A. Yes, sir.

14 Q. Two different accounts?

15 A. Yes.

16 Q. Did Vonda tell you there would be a fourth  
17 package somewhere around December 30th?

18 A. Yes, sir.

19 Q. You said earlier that you had tried to identify  
20 that Nissan with Illinois plates, but you couldn't  
21 find it?

22 A. Correct, I did not find it.

23 Q. Was that the end of the story with the Nissan  
24 Altima?

25 A. It was not.

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1 Q. What happened?

2 A. After putting my investigation together, I was  
3 later contacted by another agency. They informed  
4 me that they had located a Nissan Altima that was  
5 maroon in color with Illinois plates, and the  
6 subject that was related to that, they found photos  
7 of packages that Ms. Vonda had sent on that  
8 subject's phone.

9 MR. REED: So if we could go back here to  
10 Exhibit 1 and start on page 14. Okay. I think  
11 that's page 14 if we can just zoom in on the  
12 account transaction information, and if you can  
13 grab the account number as well, Sandra. I  
14 apologize.

15 BY MR. REED:

16 Q. This is that account ending in 6666?

17 A. Yes.

18 THE COURT: What exhibit are we on?

19 MR. REED: Exhibit 1, Judge.

20 BY MR. REED:

21 Q. What's the balance at the top of this table?

22 A. The balance from the deposit on October 13th,  
23 2022, is \$60,000.

24 Q. And what's the final balance after that last  
25 check?

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1 A. The current balance at the time that this was  
2 given to me was \$1,220.13.

3 Q. Okay. If we can move to the next page, and the  
4 same account, and the number you just gave us is  
5 the final current balance, \$1,220.13?

6 A. Yes.

7 MR. REED: Page 16 if we could.

8 BY MR. REED:

9 Q. This is the other account, the one ending in  
10 6674?

11 A. Correct.

12 Q. What was the beginning balance here on October  
13 13th?

14 A. It's beginning balance October 13th, 2022, was  
15 \$299,250.47.

16 Q. And what was left by the end?

17 A. The final balance when this given to me was  
18 \$1,496.27.

19 Q. So between the two accounts, about \$360,000 to  
20 less than \$3,000 in those two months?

21 A. Correct.

22 MR. REED: No further questions.

23 MS. FRETER: If the Government could put  
24 back up that Exhibit 1.

25 **CROSS-EXAMINATION**

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1 BY MS. FRETER:

2 Q. And the -- Detective, the page that we were  
3 just on was page 16 of that exhibit; and so while  
4 we're getting there, these are bank records that  
5 you subpoenaed; is that right?

6 A. Yes, ma'am.

7 Q. And there's 17 pages contained in this exhibit.  
8 Did you get more than 17 pages?

9 A. I -- everything that I would have received was  
10 prepared and put into my paperwork.

11 Q. As you sit here today, do you remember how  
12 much -- was it -- did you get electronic or on  
13 paper?

14 A. I got it electronically.

15 Q. Do you remember how many pages you got?

16 A. I printed it out. So if you like, I have it in  
17 here, so I can count and see if there is a  
18 discrepancy.

19 Q. Well --

20 A. I don't recall.

21 Q. But like there when you look at it, is it like  
22 50 pages? You've got it in your folder, right?

23 A. This is my entire case file, so it's not just  
24 the forms that are in front of us from Exhibit 1.

25 Q. You subpoenaed bank records from two different

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1 accounts?

2 A. Correct.

3 Q. And did you get more than 17 pages' worth of  
4 records?

5 A. I don't believe so.

6 Q. Did you get bank statements for both of these  
7 accounts?

8 A. There are -- I don't believe specifically  
9 labeled "Bank Statements." I worked with the bank  
10 to get records from the transactions that took  
11 place and these records showing those  
12 transactions.

13 Q. Did you get the statements?

14 A. Everything that I have is in the 17 pages  
15 that's here.

16 Q. Okay. On page -- what is that -- 14, on  
17 October 13th of '22, it says there's a deposit of  
18 \$60,000; is that right?

19 A. Yes.

20 Q. And then there's another deposit of \$446 on  
21 October 25th; is that right?

22 A. Correct.

23 Q. And then there's some checks written: one for  
24 \$30,000 and one for \$4,000; is that right?

25 A. So the \$30,000 would have coincided with the



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1 \$30,000 withdrawal.

2 Q. Okay. In this document from the bank on page  
3 14, it says a check, right?

4 A. Correct.

5 Q. And then the next one down says check, right?

6 A. Correct.

7 Q. Okay. And that's for \$4,020, right?

8 A. Correct.

9 Q. And then it looks like -- when it says ACH,  
10 does that mean it's like a transfer, electronic  
11 transfer?

12 A. For most banks, yes, that is either a transfer  
13 or some sort of a transaction.

14 Q. Okay. And that went to Chase credit card?

15 A. Yes, according to what the records say.

16 Q. And then there's a \$4,530 transfer to  
17 Menards?

18 A. Correct.

19 Q. And then two more checks, one for \$2,500?

20 A. Yep.

21 Q. And one for \$1,500?

22 A. Yes, ma'am.

23 Q. One for a 1,101?

24 A. Yes, ma'am.

25 Q. And then on the next page, page 15, there is a

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1 check for \$120?

2 A. Yes, ma'am.

3 Q. A check for -- or it looks like ACH again, so  
4 electronic transfer to Verizon for \$330?

5 A. And 98 cents, yes, ma'am.

6 Q. And then a check for \$10,000?

7 A. Yes.

8 Q. And then one for \$4,154?

9 A. Yes, ma'am.

10 Q. And then on Government's 23, did you subpoena  
11 these records?

12 A. I did not subpoena these records.

13 Q. And did you review these records?

14 A. I did, yes.

15 Q. Okay. In preparation of your testimony here?

16 A. Yes.

17 MS. FRETER: I don't have anything  
18 further.

19 MR. REED: No redirect, Judge.

20 THE COURT: All right. You may step down.  
21 (Witness excused.)

22 THE COURT: All right. Ladies and  
23 gentlemen, it's ten after four, so we are going to  
24 adjourn for the day.

25 Anybody going to have a problem by being

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1 here by 9 a.m. to start?

2 All right. So when you get home tonight,  
3 people are going to ask you about this case. Did  
4 you get picked for the jury? What kind of case is  
5 it? You can tell them that you have been picked  
6 for jury duty. It's a criminal matter. It's  
7 expected to take all week, and that other than  
8 that, you can't discuss the case with them. You  
9 can't discuss the specifics.

10 And so each of you are going to invest a  
11 significant number of time in this case, and the  
12 reason we -- and I'll sound like a broken record.  
13 I'm telling you not to do research, to go outside  
14 of what you learn in this courtroom to find out  
15 more about any of the parties, any of the things  
16 you've heard, because if you do that, it could be  
17 grounds for a mistrial. So you wouldn't only waste  
18 your time but you would waste the time of your  
19 fellow jurors, and so we don't want that.

20 So don't communicate with anybody about  
21 this case. Don't text about it. Don't blog about  
22 it. You'd be surprised how many people in jury  
23 duty will go home, and they have some blog, and  
24 they go through the events of the day, and they  
25 talk about -- all about the case, and they talk

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1 about the judge, the lawyers, the people. Don't do  
2 that. It's just going to create problems.

3 At the end, you're going to be asked to  
4 judge this case based upon the evidence that's  
5 admitted here, and so we go through great lengths  
6 to make sure that the evidence you get is evidence  
7 that is proper for you to evaluate in determining  
8 whether the Government has proved its allegations  
9 beyond a reasonable doubt.

10 So you can't talk to each other about it.  
11 If anybody attempts to talk to you about this case,  
12 you're not to talk to them, but let me know first  
13 thing tomorrow when you get in.

14 All right. So we will see you back  
15 here -- try to get here by 5 till, 10 till so that  
16 we can start on time. If there is a problem, you  
17 get stopped by one of our very slow trains in East  
18 St. Louis, don't panic. You do have a number, you  
19 can call Jackie, and we can help you out. We don't  
20 have inclement weather, but there are times we have  
21 inclement weather and people are rushing to get  
22 here. I don't want you to take risks to get here  
23 on time. If there is a problem, let us know. We  
24 can deal with it. So we will see you tomorrow.  
25 Thank you.

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(Proceedings recessed at 4:15 p.m. until  
9:00 a.m. February 4, 2025.)

\* \* \* \* \*

CERTIFICATE OF COURT REPORTER

I, Erin M. Materkowski, hereby certify that  
the foregoing is a true and correct transcript from  
reported proceedings in the above-entitled matter.

/s/ Erin M. Materkowski  
ERIN M. MATERKOWSKI, RPR, CRR  
Official Court Reporter  
Southern District of Illinois  
East St. Louis Division

Date: 06/30/2025